Burt, Donald L., O990133.
Butterworth, James R., O1690981.
Conway, Donald J., O1885757.
Easton, Byron S., O2030432.
Elliott, Robert H., Jr., O2205676.
Elmore, Donald J., O1931800.
Fox, John G., O1926490.
Gardner, Morris L., O1914696.
Georger, John F., O1340362.
Gerard, Robert J., O1925174.
Gittleman, Warren E., O2033020.
Hayden, Charles W., O1688714.
Hembree, Jack E., O1929091.
Husa, Richard F., O1935134.
Hyde, Richard G., O1930880.
Irvin, Matthew W., O1917990.
Johnson, Robert R., O2211367.
Keller, George A., O2206215.
Kotite, Richard S., O1338355.
Lancaster, William A., O1885155.
Logan, Donald G., O4009088.
MacMillan, William D., IV., O1341021.
Matson, Hugo W., O4005476.
May, Edwin M., Jr., O1925946.
McIntyre, Lawrence A., O1874708.
Merrell, William L., O1894073.
Meyer, Frederick F., Jr., O1883990.
Michel, Werner E., O1329861.
Miller, David C., O1884010.
Moffett, Norman A., O4018679.
Myers, Lawrence S., O2104321.
Olson, Arthur G., O1884035.
Osborn, George K., III, O2102867.
Palmer, George E., O1881689.
Pedersen, Alfred L., O1926314.
Phillips, Shepperd H., O2004109.
Pritchett, Robert G., O1339310.
Puckhaber, Herman F., Jr., O1915506.
Reade, John C., Jr., O4005347.
Rodriguez, Joseph C., O2103097.
Routon, Lewis A., O1877271.
Rundell, Walter, Jr., O1933543.
Schultz, Reed S., O1936073.
Shelby, Roy E., O1885773.
Sleeper, Julian R., O1919999.
Smith, William D., O2266060.
Specker, Robert W., O1872364.
Stevenson, William J., O1936725.
Stidham, James A., O970475.
Strawn, William M., Jr., O2021145.
Suess, Philip M., Jr., O1885898.
Tourtillott, Raymond J., O1885799.
Vidrick, Robert L., O4001758.
Wagers, Robert W., O2102796.
Wallace, Robert G., O2265108.
Whelan, William E., O1933684.
Wright Jermy B., O995359.
Willey, Oliver A., Jr., O1922603.
Williams, Roy L., Jr., O1894209.

*To be second lieutenants*

Allen, Vincent H., Jr., O4009377.
Applewhite, Ray, O988526.
Baldwin, Jessie E., O4026485.
Beaube, George P., O4023721.
Blazzard, Trevelyn G., O4019331.
Bockman, Leonard I., O4023860.
Cleary, Arthur C., O4003248.
Einseln, Aleksander, O4031215.
Engram, Edwin J., O4023793.
Erickson, Eric A., Jr., O4016148.
Esplin, Willard B., O4013878.
Green, David E., O4011928.
Greer, Richard B., O4013302.
Higgins, Alan R., O4017289.
High, Charles S., W2206308.
Hoffman, William J., O4009886.
Jones, Glenn W., O4009366.
Jongebloed, Nicholas H., O4003160.
Kinney, Philip R., O999600.
Kyburz, Edward P., O2208386.
Madigan, John J., III, O4001030.
McLaughlin, Thomas J., O4006461.
Mendenhall, Robert L., O2206144.
Merrick, Philip B., O4006743.
Mulvanity, Donald C.
Osborn, John A., O4030997.
Palermo, Frank J., Jr., O4009718.
Ragains, Robert L., O4015962.
Rogers, Roland B., O4009580.
Sherron, Gene T., O4013188.
Shilko, Edwin M., O4010601.
Shuman, John N., O4043385.
Smith, John A., O4000757.
Spry, Alfred E., O4006472.
Stevenson, Thomas A., O1880783.
Tunmire, Dana, O4023736.
Ulrich, Charles F., O4003899.
Wall, Frank B., Jr., O2204799.
Watson, Richard W., O4015247.
Wheeler, William C., Jr., O4017010.
Williams, Lawrence A., O4006378.
Wilson, Parks W., Jr., O1940088.

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of section 506 of the Officer Personnel Act of 1947 (Public Law 381, 80th Cong.):

Hoerning, Robert W., O4058338.
Muth, Arnold J.
Sandstrum, Allan W.
Smith, Bobby P.
Spencer, Robert A.

The following-named distinguished military students for appointment in the Regular Army of the United States, effective June 15, 1956, in the grade of second lieutenant, under the provisions of section 506 of the Officer Personnel Act of 1947 (Public Law 381, 80th Cong.):

Abruzzese, John P.
Adams, Donald S.
Albright, Edward M. Jr.
Allen, Edward R.
Amerson, Hinton S.
Anderson, Duane F.
Anderson, George W.
Baldwin, Robert C.
Balint, Barry T. J.
Barnes, Theodore F.
Barry, John W.
Bennett, Michael J.
Booth, John P., III
Brill, James H.
Brister, Delano R.
Broder, Nathan S.
Brown, Fred D.
Brown, Robert M.
Buckley, Raymond H.
Callahan, Kenneth R.
Campbell, Joseph R.
Carson, Lawrence E.
Clark, Stephen E.
Clowe, John F., Jr.
Cobb, Hollis F., Jr.
Coffman, Richard L.
Cooke, Sidney B.
Cooper, Harold B., Jr.
Correll, Ralph T.
Craig, Joe H.
Crisp, Richard A.
Curran, Jan D.
Del Vecchio, William P.
Dickson, William R.
Doar, James M.
Dougherty, Maurice F.
Dreeben, Lionel
Druit, Clifford A.
Egan, Douglas M.
Feeney, Richard L.
Frisbie, James G.
Gately, Michael P.
Gayler, Earl D.
Gear, James N.
Goetz, George W.
Gonzalez, Alvaro R.
Gorman, Robert G.
Gross, Woolf P.
Gullen, John P.
Hallinan, James M., Jr.
Harbuck, Eugene L.
Hardegree, Bobby L.
Harig, John A., Jr.
Haupert, Francis J.
Hearn, Peter
Hill, Theron H.
Hodkinson, Peter, III.
Irwin, James T.
Johannknecht, George P.
Johnson, Gerald K.
Johnstone, Robert L., III
Keating, Thomas E., Jr.
King, James A., Jr.
King, Thomas H.
Kingsley, Donald E.
Koonce, Philip H.
Kubas, Michael J.
Larimer, Charles L.
Larimer, Merlin W.
Leath, Lewis T.
Macdonald, Donald L.
Mayotte, Clifford J., Jr.
McAden, Henry J., Jr.
McCormick, James M.
McDonald, Robert E., Jr.
Meyer, Charles V.
Mikk, George
Miller, Spencer R.
Murray, Jackson S.
Owen, Thomas D., Jr.
Paas, Alfred O.
Parker, Richard G.
Perry, James R.
Perryman, Jack P.
Pertain, George H., Jr.
Peters, Clifford L.
Peterson, Walter R., Jr.
Pharr, Joe B.
Pierce, Isaiah B., Jr.
Pinkston, William R., Jr.
Plum, Matthias, Jr.
Price, Roger J.
Raskob, Anthony W.
Reeder, Richard E.
Reeves, George E.
Reichel, James E.
Rodenmayer, John P.
Rupp, James E.
Ryan, Francis J.
Schroder, Ottomar
Smith, James H.
Solley, Charles W.
Steinhauser, Wilmer A.
Stewart, Robert C.
Stewart, William R.
Strom, George P.
Tate, Thomas N.
Tengler, John A.
Thomas, Harry L.
Thompson, Thomas T.
Thurmond, George E.
Vaughn, William V., Jr.
Ventzek, Robert E.
Walker, Tommy L.
Ward, Jerry E.
Wetherington, Bernard J.
Whitt, Lawrence H.
Wiley, Chester J.
Wiser, Bobbie M.
Wright, Charles M.
Wynd, William R.

# HOUSE OF REPRESENTATIVES

## TUESDAY, JUNE 5, 1956

The House met at 12 o'clock noon, and was called to order by the Speaker.

Rev. Melville D. Nesbit, Jr., pastor, Clarendon Presbyterian Church, Arlington, Va., offered the following prayer:

O God our Father, who hast knit all nations and peoples into one, we pray Thee for Thy will to be done this day through each one of us. Thou alone knowest fully our individual and corporate problems—the spirits that are tired, the temptations to water down truth, the narrow aims of many strident interests. We beseech Thee, give us courage to walk in the light as we see it, without fear and without betrayal. Hold before us the needs of the whole people, and make us to serve their interests. Enable us to remember Thy purpose as it is witnessed for all men in the principles of our Nation. Make the heritage of this land to be a glowing brand in our hearts, that we and all citizens shall practice what we preach. Above all, bring to pass in us and through us the graciousness of Jesus Christ and the leading of the Holy Spirit. Amen.

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. McBride, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 3255. An act to amend the Classification Act of 1949 to preserve in certain cases the rates of basic compensation of officers and employees whose positions are placed in lower grades by virtue of reclassification actions under such act, and for other purposes;

H. R. 8225. An act to authorize the addition of certain lands to the Pipestone National Monument in the State of Minnesota; and

H. R. 9822. An act to provide for the establishment of a trout hatchery on the Davidson River in the Pisgah National Forest in North Carolina.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1873. An act to increase the minimum postal savings deposit, and for other purposes; and

S. 3920. An act to authorize the partition or sale of inherited interests in allotted lands in the Tulalip Reservation, Wash., and for other purposes.

## PARTICIPATION BY PRESIDENT CASTILLO ARMAS, OF GUATEMALA, IN RESCUE OPERATIONS

Mr. MORANO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MORANO. Mr. Speaker, the courage of the present Government of Guatemala in overthrowing the previous Communist regime and in moving effectively to stabilize the security and economy of the country has evoked the admiration of the whole free world. President Castillo Armas is a leader who is determined to make the Guatemala experiment a living reality and an example for the millions of people now behind the Iron Curtain who yearn for freedom and independence.

A recent incident illustrates the personal interest which President Castillo Armas takes in the affairs of his country and in the people of Guatemala. On May 24, there occurred a tragic airplane accident in the mountainous and dangerous region of Sierra de las Minas. The site of the accident is some 80 miles northeast of Guatemala City, the capital. Thirty people were killed and only one survived. Learning that the Chief of the United States Air Mission to Guatemala and his pilot had both discovered the site of the accident, personally took able to take photos due to poor visibility and bad weather, President Castillo Armas, after securing the details from the Minister of Defense, left Guatemala City at 5 a. m. Monday morning, May 28, in his own plane for Zacapa. From there he flew in a helicopter with the Chief of the United States Air Mission over the site of the accident, personally took control of rescue operations, and efficiently organized and directed the rescue patrols. All the dead were identified and removed from the scene by the rescue patrols.

Despite his heavy responsibilities and official workload, President Castillo Armas considered the identification of the individuals involved in the crash and subsequent rescue operations to be of sufficient importance to warrant his personal supervision and direction. This personal regard for the welfare of his people is typical of President Castillo Armas. I know that many of my colleagues in the House join with me in commending President Castillo Armas.

## FOREIGN COMPETITION DESTROYING OHIO POTTERY INDUSTRY

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HENDERSON. Mr. Speaker, for a long time the pottery industry of southeastern Ohio has been having a rough time keeping its head above water in competition with the foreign importation of pottery products. And what is true of pottery is also becoming a reality with regard to the ceramic tile industry. I was most interested to read a statement of Roy E. Jordan, Jr., president of the Mosaic Tile Co. of Zanesville, Ohio, presented before the National Tile Contractors Association at its annual convention in Denver, Colo.

Mr. Jordan pointed out that today foreign tile imports have increased by 763 percent during the past 6 years. Mr. Jordan goes on to say that the steady increase in ceramic-tile imports made by low-cost foreign labor is a definite threat to the long-range prosperity of the domestic tile industry.

That industry, Mr. Jordan points out, is an important segment of the construction industry which is so vital to the well-being of our national economy. In his opinion, the current tariff regulations are wholly inadequate to cope with the situation which has developed. Mr. Jordan said we, in the industry, expect Congress to take a hard look at the unprecedented tile imports with a view to taking action.

Mr. Speaker, it is most disheartening to see one industry after another in southeastern Ohio suffer from the invasions of foreign competition, especially when these invasions have come about because of the policies inviting such invasions which have been inaugurated over the past decade. It is high time that Congress took a very close look at the situation, not only with regard to foreign tile imports, but the effect that our policies with regard to foreign trade are having upon many, many industries. I would recommend a wholesale congressional investigation of the effect of foreign imports upon American industry. The problem needs to be faced squarely, not just as an adjunct of some legislative proposals. Congress has committees which deal with and study un-American political activities. Congress should also constantly study activities which may tend to adversely affect American economic and industrial welfare.

## A FALSE CHARGE OF GAS AND OIL SUPPORT IN WISCONSIN POLITICS

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN of Michigan. Mr. Speaker, in yesterday's RECORD, beginning at page 9411, there are eight pages in which the charge is made by a Member of the other body from Wisconsin, if not directly, at least by innuendo, that a Member of the House, our distinguished colleague from Wisconsin [Mr. DAVIS], would receive the benefit of a campaign fund of $150,000 contributed by the gas and oil interests on the theory that he had supported, and presumably would support, legislation which those interests advocated and in which they were financially interested.

The absurdity, the falsity of that charge is apparent if the CONGRESSIONAL RECORD is consulted. In July of 1955, when the so-called gas bill was before the House, I supported it, both on the motion to recommit and on final passage. My vote was cast in that manner because I believed the proposed legislation to be good legislation. My recollection is that when the bill was before the House in 1955 the administration was supporting it.

Our colleague from Wisconsin had convictions to the contrary, and as always he voted in accordance with his convictions.

That there may be no misunderstanding as to the falsity of the charges made yesterday from the floor of the other body, permit me to cite the CONGRESSIONAL RECORD, volume 101, part 9, page 11929. When the bill was reported back from the Committee of the Whole to the House for action, Mr. WOLVERTON moved to recommit the bill to the Committee on Interstate and Foreign Commerce for further study. On the rollcall, our colleague from Wisconsin [Mr. DAVIS] voted to recommit.

Immediately after that vote was taken, the bill was up for final passage, and on the rollcall the gentleman from Wisconsin [Mr. DAVIS] cast his vote against the bill.

The record not only shows that the charge made by the gentleman from Wisconsin speaking in the other body yesterday is not only without foundation in fact, but it shows that our colleague who was so unjustly charged with being influenced by interests which it was said were willing to contribute to his present campaign for a seat in the Senate, voted against, not in favor of, the position of those alleged contributors.

What I am wondering, if I may be permitted to speculate, is whether the gentleman from Wisconsin who spoke yesterday in the other body using those eight pages to make that false charge knew what he was talking about, knew how our colleague voted, or whether he deliberately made the statement which appears in the RECORD this morning. My assumption is that he was not familiar with the record.

## TAX-EXEMPT FOUNDATIONS

Mr. REECE of Tennessee. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. REECE of Tennessee. Mr. Speaker, I hold in my hand a document which raises questions of such a fundamental importance to the preservation of our Republic that I feel it should be read and studied by every loyal citizen.

The Committee To Investigate Tax Exempt Foundations revealed much that should disturb Americans. Still, to my knowledge, it did not uncover an instance of a foundation being sued for libel. I question whether those who established the privilege of tax exemption ever dreamed of such a contingency. After all, was not this privilege to be extended to only those who, without profit to themselves, sought to advance the general welfare? And how could the general welfare conceivably be advanced by libeling a citizen?

The citizen who alleges libel is Dr. Bella V. Dodd, former Communist, who.

unlike so many unrepentant conspirators, has given unstintingly of her time to all branches of our Government at great cost to herself. While in the party, Bella Dodd lacked not for finances nor prestige, nor accolades from the groups and individuals who today vilify and attack her. But once she came to the aid of our Republic in its hour of crisis, forsaking the Red dictatorship which plots our end, we find a different story.

From that day forward Dr. Dodd has existed on the paltry return she could achieve from a greatly reduced law practice and teaching career, supplemented by occasional fees for lectures.

But the friends of the Red Fascists begrudged her even this and sought to turn all against her. In May 1955 the Fund for the Republic circulated 25,000 copies of a reprint from Harper's magazine entitled "The Kept Witnesses" to labor officials and business executives. This article is the subject of the complaint I hold in my hand, naming the Fund for the Republic, its officers and trustees, and Harper's magazine as defendants in a suit for damages.

However, the article "The Kept Witnesses" is also an all-out attack on our national-security program and on the agencies of our Government which Dr. Dodd has so often helped. Dr. Dodd fights not only to rectify a wrong to herself, but to defend the very agencies which loyally strive to preserve us as a sovereign Nation.

And here let us pause to note the most amazing fact of all. Whereas Dr. Bella Dodd courageously rides into this legal battle at great expense which must be borne by her, and by her alone, she fights our Nation's battle alone, no tax money, no tax-exempt privilege, no multimillion dollar gifts, no support.

But what of her opponents who attack the security program of our Nation? They march to battle with millions of dollars of tax-exempt funds, withheld to promote the general welfare.

Alice in Wonderland was never like this. What American could ever have dreamed that one day the United States would subsidize the destruction of those who would defend them?

In this unequal battle Bella Dodd could easily be crucified, alone and unaided. What magnificent courage prompted her to undertake it. May God help her and our country.

By consent, I am inserting the complaint against the Fund for the Republic in the RECORD, as follows:

SUPREME COURT OF THE STATE OF NEW YORK, COUNTY OF NEW YORK, BELLA V. DODD, PLAINTIFF, AGAINST HARPER & BROTHERS, CASS CANFIELD, FRANK S. MACGREGOR, JOHN FISCHER, RUSSELL LYNES, CATHERINE MEYER, THE FUND FOR THE REPUBLIC, INC., ROBERT M. HUTCHINS, PAUL G. HOFFMAN, DAVID F. FREEMAN, W. H. FERRY, AND RICHARD H. ROVERE, DEFENDANTS—COMPLAINT

The plaintiff, Bella V. Dodd, by her attorneys Dodd, Cardiello & Blair, alleges as follows:

1. That at all the times hereinafter mentioned the defendant, Harper & Brothers, was a corporation duly organized and existing under and by virtue of the laws of the State of New York.

2. That at all the times hereinafter mentioned the defendant, Harper & Brothers, was engaged in the publication of the magazine known as "Harper's Magazine," and that such magazine is published for circulation and was circulated throughout the United States, Canada, Great Britain, Mexico, and all countries participating in the International Copyright Convention and the Pan American Copyright Convention, and was read by the general public, including those who are active in the fields of politics, business, and labor.

3. That at all the times hereinafter mentioned the defendant, Frank S. MacGregor, was president of the defendant, Harper & Brothers, and actively participated in its business operations including the circulation of Harper's magazine.

4. That at all the times hereinafter mentioned the defendant, Cass Canfield, was chairman of the board of directors of Harper & Bros. corporation.

5. That at all the times hereinafter mentioned the defendant, John Fischer, was editor in chief of Harper's magazine, and the defendant, Catherine Meyer, was an editor of Harper's magazine, and were in direct charge of the preparation and publication of various articles published in Harper's magazine.

6. That at all the times hereinafter mentioned the defendant, Russell Lynes, was managing editor of Harper's magazine and in such capacity selected and determined what material and subject matters were to be printed and published in Harper's magazine for circulation to the general public.

7. That at all the times hereinafter mentioned the defendant, Richard H. Rovere, was and is a resident of the State of New York.

8. That at all the times hereinafter mentioned the defendant, the Fund for the Republic, Inc., was a corporation duly organized and existing under and by virtue of the laws of the State of New York.

9. That at all the times hereinafter mentioned the defendant, Robert M. Hutchins, was president of the defendant, the Fund for the Republic, Inc., and as such determined the projects and subject matter to be investigated by the Fund for the Republic, Inc.

10. That at all the times hereinafter mentioned the defendant, W. H. Ferry, was vice president and David F. Freeman, was secretary-treasurer of defendant, the Fund for the Republic, Inc., and on information and belief, participated in determining the program of the Fund for the Republic, Inc., and deciding on what subjects were to be investigated and what books, articles, and other literature were to be distributed.

11. That at all the times hereinafter mentioned the defendant, Paul G. Hoffman, was chairman of the board of directors of defendant, the Fund for the Republic, Inc., and participated in deciding the policy, what subjects were to be investigated, what books, articles and publications were to be distributed.

12. That upon information and belief the defendant, the Fund for the Republic, Inc., is a corporation having its principal office within the city of New York.

13. That upon information and belief the defendant, the Fund for the Republic, Inc., is exempt from tax under the revenue laws of the United States, and under applicable State taxing legislation and does not contribute financially for the support, maintenance, and defense of the United States of America.

14. That at all the times hereinafter mentioned and for some time prior thereto, the defendant, Richard H. Rovere, was the author of the article entitled "The Kept Witnesses," published in the May 1955 issue of Harper's magazine, and upon information and belief had been engaged and employed by the defendant, Harper & Bros. Corp., agreed to and did pay a consideration to the said Richard H. Rovere.

15. That upon information and belief the defendant Richard H. Rovere, for and on behalf of and at the instance of the defendant, the Fund for the Republic, Inc., did write the article making specific references to the plaintiff as shall more particularly hereafter appear.

16. That in the May 1955 issue of a magazine known as Harper's magazine, defendant Harper & Bros. published the heretofore mentioned article under the title of "The Kept Witnesses."

17. That at all the times hereinafter mentioned the facts of the plaintiff's good reputation were known to, or should have been known to, or could readily be ascertained by defendants, Richard H. Rovere and Harper & Bros., and the Fund for the Republic, Inc.

18. That the aforementioned article entitled "The Kept Witnesses," published for general circulation in the May 1955 issue of Harper's magazine, did contain libelous statements and insinuations about and concerning the plaintiff, Bella V. Dodd.

19. That said libel did consist of libelous statements directly and indirectly reflecting upon plaintiff's character, honesty, truthfulness, integrity, professional practice, social, and economic standing.

20. That plaintiff was libelously attacked in that said article attempted to create a public impression in regard to plaintiff's character, honesty, truthfulness, integrity, professional practice, social and economic standing, by using a device popularly referred to as "guilt by association" or "libel by association," and that such article tended to hold plaintiff up to public scorn, ridicule, and hostility.

21. That among the persons mentioned in said article was one Whittaker Chambers, a former Communist, and that the defendant, Richard H. Rovere, inserted explanatory matter after the name of said Whittaker Chambers, which explanation stated that said Whittaker Chambers was not guilty of the same alleged crimes, sins, acts, and motivations as defendant, Richard H. Rovere, attributed to the other persons grouped or associated by said article.

22. That the defendant, Richard H. Rovere, owed plaintiff a duty, when he included her name in said article, to explain to the public that plaintiff was not guilty of the alleged crimes, sins, acts, and motivations defendant Rovere attributed to the other persons grouped or associated by said article.

23. That the defendant, Richard H. Rovere, by use of plaintiff's name in said article was purposely and with malice attempting to associate plaintiff with the alleged crimes, sins, acts, and motivations attributed by him to others through the said article, and to libel her by association and to create the impression that she was guilty by association, and to create in the public mind an attitude of scorn, ridicule, and hostility toward the plaintiff.

24. That upon information and belief, subsequent to publication of the said article in said magazine, defendant, the Fund for the Republic, Inc. distributed, through the mails and otherwise, at least 25,000 copies of said article.

25. That upon information and belief, such distribution of said article was made mainly to labor officials, business executives, Government personnel, and professional people.

26. That on or about May 31, 1955, the defendant, the Fund for the Republic, Inc. published and issued a report of the activities and financial condition of said defendant, the Fund for the Republic, Inc.

27. That upon information and belief, the officers and staff and the members of the board of directors of the defendant, the Fund for the Republic, Inc., are as follows:

Robert M. Hutchins, president, W. H. Ferry, vice president, David F. Freeman, secretary and treasurer, Hallock Hoffman, assistant to the president, Edward Reed, Joseph P. Lyford,

Thomas J. Gardner, assistant treasurer, Winifred G. Meskus, assistant secretary, Bethuel M. Webster, counsel, Paul G. Hoffman, chaiman, George N. Shuster, vice chairman, Harry S. Ashmore, Chester Bowles, Charles W. Cole, Arthur H. Dean, Russell L. Dearmont, Erwin N. Griswold, William H. Joyce, Jr., Meyer Kestenbaum, M. Albert Linton, John Lord O'Brien, Jubal R. Parten, Elmo Roper, Mrs. Eleanor B. Stevenson, and James D. Zellerbach.

28. That said officers, staff, and directors of defendant, the Fund for the Republic, Inc., knew, could have known, should have known, and must be considered to know the contents of the said report of defendant, the Fund for the Republic, Inc.

29. That said report of defendant, the Fund for the Republic, Inc., in the appendix thereof, did set forth as an activity and accomplishment of defendant, the Fund for the Republic, Inc., a list of books, articles and other material distributed by the Fund for the Republic, Inc., by title, author, source, number of copies distributed, and main audience to which they were distributed.

30. That said list did include as an article distributed by said defendant, the Fund for the Republic, Inc., the aforementioned article The Kept Witnesses in these words—"The Kept Witnesses, by Richard H. Rovere. Article. Harper's, 25,000 copies. Labor officials, business executives."

31. That on the basis of the information contained in said list in said report only one other book, article or other material received a greater distribution.

32. That upon information and belief the officers and/or directors of defendant, the Fund for the Republic, Inc., did select the material that was so distributed.

33. That upon information and belief the officers and/or directors of defendant, the Fund for the Republic, Inc., did pass upon and approve of the distribution of material distributed by defendant, the Fund for the Republic, Inc.

34. That by selection of the books, articles, and other matter distributed by said defendant, the Fund for the Republic, Inc., said fund was acting with malice and intent to discredit, malign, intimidate, and otherwise persecute witnesses who cooperated with congressional or governmental investigating agencies, of whom plaintiff was one.

35. That said report of defendant, the Fund for the Republic, Inc., lists and sets forth the names of 17 books, articles, and other material distributed by said fund, among which is the said article, The Kept Witnesses.

36. That upon information and belief the said 17 books, articles, and other material distributed as set forth in the said report of the defendant, the Fund for the Republic, Inc., all deal with the general subject of communism and investigations into communism.

37. That upon information and belief at least seven of said books, articles, and other material distributed by defendant, the Fund for the Republic, Inc., dealt or were concerned with congressional or governmental investigations into communism.

38. That upon information and belief each one of the books, articles, or other material distributed by defendant, the Fund for the Republic, Inc., as recorded in said report of said defendant and dealing with the subject of congressional and governmental investigations, and witnesses testifying before such investigations, is part of a program designed to unfavorably influence public opinion in regard to the necessity of such investigations, and the character, honesty, truthfulness, integrity, professional status, social or economic standing of those witnesses who testified before and cooperated with such investigations, particularly former Communists, including the plaintiff.

39. That upon information and belief the above referred to books, articles, and other material all tend to and attempt to so present the subject matter referred to in the preceding paragraph as to influence public opinion in opposition to congressional and governmental investigations, and to vilify and hold up to contempt the witnesses testifying or cooperating with such investigations, including the plaintiff.

40. That upon information and belief the publication and distribution of said books, articles, and other material was part of a program designed to influence public opinion against the necessity, usefulness, and integrity of congressional or governmental investigations into communism, and to create in the mind of the public an attitude tending to hold up to scorn, contempt, ridicule, and hostility those witnesses who cooperated with congressional or governmental investigations, of whom plaintiff was one.

41. That such program was known to, or should have been known to the officers and directors of the defendant, the Fund for the Republic, Inc.

42. That upon information and belief the various books, articles, and other material above mentioned, and the writers, of the above-mentioned books, articles, and other material do quote from and mention in the various books, articles, and other material distributed by said defendant, the Fund for the Republic, Inc., the other books, articles, and other material distributed by said defendant in an attempt to create a general atmosphere of authority for the books, articles, and other material so quoted or referred to, and attempt to pyramid and compound the effect and impression that any one such book, article, and other material may have in the public mind, and to create the impression that any one book, article, and other material is a greater and more reliable authority in reference to the matter dealt with by any such book, article, and other material than is actually the case, or than such book, article, and other material would have were it not referred to or quoted in the various other books, articles, and other material distributed by defendant, the Fund for the Republic, Inc.

43. That since the original distribution of the aforesaid article, The Kept Witnesses, the defendant, the Fund for the Republic, Inc., has continued in the distribution of said article to the general public.

44. That upon information contained in the annual report of defendant, the Fund for the Republic, Inc., hereinbefore mentioned, every project planned by this defendant for the future deals with the general subject of communism and/or its investigation.

45. That upon information and belief the defendant, the Fund for the Republic, Inc., will continue to carry out with the distribution of articles and other means, its program to influence public opinion belittling the danger of communism and of the necessity, usefulness, and integrity of congressional or governmental investigations into communism, and to create in the mind of the public an attitude tending to hold up to scorn, contempt, ridicule and hostility those witnesses who cooperate with congressional or governmental investigations, of whom plaintiff has been, and may again be one.

46. That the distribution of said article, The Kept Witnesses, did tend and attempt to create and, in fact, did create in the minds of the general public an association between plaintiff and the other persons mentioned in said article, and did tend and attempt to and, in fact, did associate witnesses who cooperated with congressional and governmental investigations into communism and its infiltration into our social, political and economic life, with the same alleged crimes, sins, acts and motivations as were set forth in the said article, or implied in said article, of the plaintiff and the other persons named in said article.

47. That further distribution of said article, The Kept Witnesses, will increase in the minds of the public the scorn, ridicule and hostility and false, libelous impression of the plaintiff, and each such article distributed is a separate and distinct libel.

48. That distribution of books, articles or other material by the defendant, the Fund for the Republic, Inc., subsequent to distribution of the aforementioned article, The Kept Witnesses, and dealing with the same subject matter as dealt with in said article and distributed to those who received distribution of the aforementioned article, will tend to recall to mind, refresh the memory of, strengthen, lend weight to, increase the authority of, or otherwise increase, pyramid and compound the scorn, ridicule, and hostility which the aforementioned article, The Kept Witnesses, attempted to and did create in the minds of those who read said article affecting plaintiff particularly.

49. That upon information and belief the defendants have used the device of guilt by association in libeling the plaintiff, and there is indication that future actions of the defendants will result in a continuing publication of the original libel as well as the publication or distribution of other material that will tend to increase and compound the public scorn, ridicule, and hostility to plaintiff that was engendered by the original libel and libel by association.

50. That such future continuing publication or republication of the libelous article constitutes a continuing wrong against plaintiff.

51. That the past action complained of and the future plans of the defendant, The Fund for the Republic, Inc., as presented in the aforementioned report of said defendant indicates that there is reasonable probability that future action of said defendant will injure plaintiff by use of the device of libel by association with the plaintiff's clients, potential clients, and the general public.

52. That as a result plaintiff has suffered and is threatened with libel of a continuing and cumulative nature that has greatly injured and further endangers her professional standing and practice, her financial earning capacity, her social status, and her health.

53. That the libel and cumulative effect of past and future libel by association is a wrong against plaintiff that has caused and will in the future cause her irreparable harm.

54. That the libel and cumulative effect of past and future publication of said libel by association is a wrong against plaintiff that can result in a multiplicity of suits and for which plaintiff has no adequate remedy at law.

55. That a copy of the aforementioned article The Kept Witnesses is attached to and made a part of this complaint, and that said article does libel plaintiff.

56. That without being all inclusive, the following phrases and sentences from said article do libel plaintiff, falsely reflect upon her honesty, truthfulness, integrity, reputation and professional ethics, and do injure her professional standing and practice, her financial possibilities, and her economic and social status.

See page 34, column 2, top:

"No man, for example, has had any greater influence on the public view of the Communist problem than Louis F. Budenz. On the basis of his reputation as the Government's leading witness in Smith Act cases and before congressional committees, he has established an almost universal acceptance of himself as a high authority and of his books, articles, lectures, and television discourses as bearing some imagined seal of official approval. Elizabeth Bentley, J. B. Matthews, Benjamin Gitlow, Howard Rushmore, Bella Dodd, and Joseph Kornfeder run not very far behind. (Whittaker Chambers has also

been enormously influential, but of him it must be said that his writings lend more authority to his testimony than his testimony lends to his writings. He is not, therefore of this company.)"

See page 34, column 2, middle:

"Lesser witnesses have established lesser reputations on the strength of their endorsement by the Government. Moreover, they have had and are having a direct influence on policy and law—not through appeals to public opinion but through direct appeals to the governing powers. Paul Crouch tells the Senate what to do about Hawaii and how the Army should be run. Matthew Cvetic is called by the Senate Rules Committee to advise on the thorny question of rules for congressional investigations."

See page 27, column 2, paragraph 2:

"Whether the list is complete is not known. It was specified that the 83 named were all under contract to the Immigration and Naturalization Service of the Department."

See page 28, column 1, paragraph 1:

"At all odds, the Department of Justice had at least 83 kept witnesses in 1954."

See page 28, column 1, paragraph 2:

"Of the 83 persons retained by the Department in 1954, all were, by their own admission, former members of the Communist Party. Some, like Benjamin Gitlow, one of the first American Bolsheviks and once Communist candidate for Vice President, had been true believers; others, like Matthew Cvetic."

See page 28, column 1, top:

"The people who receive them are carried on the books, not as kept witnesses but as 'expert consultants.' But kept witnesses is what in fact they are; such usefulness as they may be said to have derives from their ability and readiness to identify people as Communists, to describe Communist activities for the enlightenment of judges, juries, and security panels; and to interpret Communist doctrine in such a way as to bring it within the area proscribed by the Smith Act."

See page 29, column 1, middle paragraph 1:

"Hiring as expert consultants of the former Communists and police agents who make up the Department's corps of professional witnesses."

See page 29, column 2, middle of last paragraph:

"The Department of Justice is subsidizing testimony."

See page 30, column 1, about one-third from top:

"But the professional witness up to now has made an appearance only as the creature of disreputable law firms and private detective agencies."

See page 30, column 2, paragraph 2:

"The cloak of suspicion is a garment that must be wrapped several times around the witnesses for whose services the Department of Justice has contracted. For one thing, their pecuniary interest assuming, for the moment, that $34 a day constitutes one—has the unusual character of a continuum."

See page 30, column 2, last paragraph:

"As Whittaker Chambers, who has given testimony but has never become a professional."

See page 31, column 1, paragraph 3:

"Louis Budenz, a former editor of the Daily Worker, who has testified that his income from all sources as an anti-Communist witness and publicist has exceeded $10,000 a year."

See page 32, column 2, bottom:

"A considerable number of the professional witnesses are disaffected Communists and clearly carry the stigma and disabilities along with the special insights, of their kind."

See page 27, column 1, paragraph 2, middle:

"And if it is a good racket for anyone, it is a racket for which the Government of the United States must bear the heaviest responsibility. For it is the Government of the United States—'that august conception,' as Samuel Taylor Coleridge once called it—that originated this racket and that continues to encourage and pay for it."

See page 27, column 1, middle last paragraph:

"The Government won't talk. It does not, because plainly it cannot, plead that the safety of the Nation would be imperiled if it revealed the number and the identity of those whom it hires to testify according to the wishes of its lawyers. It does not plead the right to withhold the names on the ground that these people are confidential informers."

See page 29, column 1, middle:

"It reflects not at all on their present condition of rectitude and probity to say that their pasts reek of subversion and sedition and that a number of them are convicted felons."

See page 29, column 1, bottom:

"And as witnesses in other proceedings, the professionals play a crucial role in determining many things. There is, indeed, no end to the number of places where they may turn up in the course of their service to the Department of Justice, and apparently in fulfillment of their agreement with it."

See page 29, column 2, middle:

"One of the most ubiquitous of the breed."

See page 29, column 2, bottom:

"It is a novel arrangement, this hiring of people to take a solemn oath and testify favorably to the Government."

See page 34, column 2, bottom:

"The kept witnesses have been given an opportunity to foul American due process and quite a bit else besides."

Wherefore, the plaintiff, Bella V. Dodd, demands judgment against the defendants, and each of them, jointly and severally, in the amount of $150,000, and that the defendants, Richard H. Rovere, Harper & Bros., and the Fund for the Republic, Inc., be enjoined from publishing or distributing said article or any book, article, or other material dealing with such persons as the aforementioned article, The Kept Witnesses, which mentions or alludes to plaintiff libelously, and that the defendants, Harper & Bros. and the Fund for the Republic, Inc., be compelled to give publication and distribution to an article approved by the plaintiff exonerating plaintiff from the implications and innuendoes contained in the aforementioned article, such corrective article to receive distribution and publication equal to the distribution and publication of the aforementioned article.

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## CONVEYANCE OF CERTAIN PROPERTY TO STATE OF NEW MEXICO

Mr. DEMPSEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4363) authorizing the conveyance of certain property of the United States to the State of New Mexico, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 9, after "emergency", insert "declared by the President or the Congress."

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

## LIMITING THE APPELLATE JURISDICTION OF THE SUPREME COURT

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. HUDDLESTON. Mr. Speaker, today I have introduced legislation which would reestablish and reaffirm the basic constitutional doctrine of the separation of powers between the executive, legislative, and judicial branches of the Federal Government.

For some years the Congress has observed with growing alarm an increasing tendency on the part of the Supreme Court to usurp the power of the legislative branch to make the laws of the land. The school segregation cases of May 1954 and the Steve Nelson case rendered by the Court a few weeks ago are cases in point.

Under article I, section 1, of the Constitution, "all legislative powers shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." Section 8 of that article enumerates the various legislative powers and then concludes by declaring that it shall be the power of Congress "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States or in any Department or officer thereof." Article V provides that amendments to the Constitution shall be proposed by the "Congress, whenever two-thirds of both Houses shall deem it necessary."

A cursory examination of the school-segregation cases and the Steve Nelson case will indicate to any thoughtful person that these cases represent a gross invasion of the legislative authority vested in Congress by the Constitution and a usurpation of power on the part of the Supreme Court.

In the school-segregation cases, the Court sought to promulgate an additional constitutional amendment without its having been proposed by Congress and in violation of article V. The law, at the time of those decisions, was well established that the doctrine of separate but equal educational facilities complied with the provisions of the 14th amendment. The Court, in ruling as it did in those cases, in effect adopted an additional amendment, for the decisions were contrary to the established law of over 100 years.

In the Steve Nelson case, in which the Court applied the preemption doctrine, a sedition statute of the State of Pennsylvania was invalidated by the Court. In so ruling, the Court wrote into the Federal Code—Smith Act—provisions which it is patent were unintended by the Congress which enacted the law. The Court was thereby constituting itself as a legislative body in enacting laws in violation of article I, section 1, of the Constitution.

It would appear, Mr. Speaker, that these abuses by the Court can result only in sounding the death knell of our constitutional system of government. It is time that we Members of the legislative branch of our Government enacted measures to counter this great threat. It is incumbent on us to serve notice on the Supreme Court that we wish them to confine their activities to the powers granted to them under article III of the Constitution, that is, "The judicial power of the United States shall be vested in one Supreme Court." We must make it plain that we intend for the Supreme Court to limit itself to the exercise of judicial powers only.

The bill which I introduced today will serve this purpose. Constitutional authority for my legislation rests in the second paragraph of section 2, article III, of the Constitution, "the Supreme Court shall have appellate jurisdiction both as to law and fact, with such exceptions and under such regulations as Congress shall make." It is quite clear that Congress can limit the appellate jurisdiction of the Court.

In my bill, it is stated that—

> It is the purpose of this act to reestablish and reaffirm the basic constitutional doctrine of separation of powers between the executive, legislative, and judicial branches of the Government.

In implementing this statement of purpose, section 2 affirms that the established law of the United States shall be revised, or changed, only by legislative enactments by Congress or by constitutional amendments. This section turns back to Congress the power of enacting legislation and of proposing amendments to the Constitution, thus, in effect, repudiating the action of the Court in the school segregation cases and in the Steve Nelson case.

Section 3 of the bill provides "that the courts of the United States of America and the courts of the several States of the United States shall not be bound by any decision of the Supreme Court of the United States which conflicts with the legal principle of adhering to prior decisions and which is clearly based upon considerations other than legal."

The import of this section is considerable. Under our constitutional power to limit the appellate jurisdiction of the Supreme Court, we are saying to the inferior United States courts and the courts of the various States that they will not be required to follow any decision of the Supreme Court which is not based upon the doctrine of stare decisis and which is decided counter to established law. In placing this limitation on the Supreme Court, we are instructing them, as is our constitutional right, that they must base their decisions upon prior decisions and upon legal considerations. It is hoped that we will be able to bring to a halt the practice of the Court to base its decisions on socio-psychological and other nonlegal principles.

It is my considered opinion that this legislation is vitally needed to correct a gross abuse of power under our constitutional system. I shall request that hearings be held on the bill immediately.

## H. ROY CULLEN, OF HOUSTON, TEX.

Mr. BOYKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks and to include an address.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BOYKIN. Mr. Speaker, I intend to put in the RECORD an address by our great friend, H. Roy Cullen, of Houston, Tex., and include therein a speech that he delivered on June 4, 1956, to the South Texas Colleges of Law and Commerce at the River Oaks Baptist Church at 8 p. m.

I have read this speech very, very carefully and it is a wonderful, wonderful speech, which should be very, very helpful not only to the young people in the great South Texas Colleges of Law and Commerce, but to every one that reads it in this RECORD, which goes to every beat in the United States and to all of our great libraries, where many, many men and women, boys and girls will read about what our friend, Roy Cullen, has had to say.

He not only talks, but really and truly does things. I believe he has given away more money to our schools and hospitals, our churches and to charity, than any other man I have ever known. God has blessed him for what he has done, what he is doing, and what I hope and pray he will have strength to keep on doing. I wish all of you knew this great man as I know him, so you could appreciate what he is saying in this speech that I hope will be helpful to everyone that reads it.

ADDRESS OF H. R. CULLEN, SOUTH TEXAS COLLEGES OF LAW AND COMMERCE, RIVER OAKS BAPTIST CHURCH, 8 P. M., JUNE 4, 1956

I am honored to have been selected to make the commencement address to the South Texas Colleges of Law and Commerce.

It was 15 years ago that I last addressed a group of graduates of this worthy institution. Many of the things I said on that occasion would be appropriate to repeat this evening, for we are confronted with many of the same problems. I am happy to say that some have been eliminated, yet sad to relate that many have been compounded.

When reviewing my speech file, I discovered the address I made to the graduating class 15 years ago, and I must admit that I was tempted to repeat it with merely a few extra comments, adjusting it to the present day. Even though I resisted that temptation, the theme is the same.

I realize there is nothing quite so boring as the repetition of an old story, and you may wonder why so many of us oldsters keep on repeating the same tales year after year. Recently I read a brief editorial released by the Mid-Continent Oil and Gas Association which makes so much sense that I believe I will read it in part:

"Some may wonder why the circus keeps coming back year after year. After all, the acts and the animals and the clowns and all the rest of it are pretty much the same.

"One reason is that a great new audience comes into being in this country each year. Last year, for instance, 4 million babies were born—and none had ever seen an elephant.

"In other words, the circus comes back because the American scene is forever changing."

And so we need to remember that millions will never see an elephant if the circus doesn't keep performing, just as millions may never know the blessings of freedom if we don't keep selling the philosophies and ideals based on the principles that have made our country great.

Today marks an important milestone in your lives. You have studied and worked through a course designed to fulfill the requirements of a complicated pattern of life. Naturally you are eager to apply those things you have learned.

What can you expect from the life that you have dreamed will await you upon your graduation?

You can rightly expect to fill the niche reserved for all industrious people in a world anxious to accept fresh talent. Of course, you know that learning is a continuous process and so you will not completely close the school door, but merely change the location of your study activity. You can never expect to rest on your laurels, for the world moves on and you must move with it.

But you may ask, what lies ahead in a world divided between the struggle of atheistic communism on the one hand and our Christian free enterprise system on the other, with the forces of socialism, that Trojan horse galloping along beside?

The young people of today are the masters of their destiny to the extent they are willing to conquer their fears and overcome through faithful diligence. By diligence, I mean that hard core of resistance, that willingness to work for your happiness and reject the theory that is so prevalent that the government or somebody else owes you a living.

You cannot for 1 minute forget that the provisions of security by a centralized, socialized bureaucracy will be the damnation of the soul of our great Nation. There is no true middle ground between the forces of evil and those of right. You cannot ignore the history of 19 fallen civilizations.

Some will say, "But this is different—we are living in a period of revolution. We cannot turn back the clock. We must change in the name of progress." Don't let anyone fool you that there is anything new about a planned economy and guaranteed security, which we have been hearing so much about for the last quarter of a century. There is nothing in my book which indicates that a change is necessarily progress.

A great many have been deceived by the planners, and so we have been experimenting with providing social welfare for all the people. This has been tried on numerous occasions during the past 6,000 years, so history tells us. Augustus Caesar planned carefully for his people, and started many social reforms, but the Roman empire disappeared into the oblivion of the Dark Ages.

Our forefathers even experimented in the first colonies of Jamestown and Plymouth. Many people who theorize on the wonderful dream of freedom from want, don't even know that two of the most colorful examples of the failure of socialism existed right here in the United States. And these should have thrived, if there could be a reason for socialism to work anywhere, because these colonists had a common religious heritage and their Christian philosophy of sharing from the common stores, certainly ought to have proven more successful than any other attempts.

However, the unwillingness of Jamestown men to work, waiting to be fed and clothed, was almost fatal to that band of 105 who landed on the banks of the James River in May 1607. As you could expect from such circumstances, the people began to die from disease and starvation, and the only thing that saved the colony was Captain Smith's proclamation, which in short, meant: He who will not work, will not eat.

When the common stock of the Puritans at Plymouth began to dwindle, they were in the same straits as those in Jamestown. But by 1623 when their economy had changed to free enterprise, Governor Bradford was

able to report that they not only provided for their own, but had enough to sell to others, and by the next year, the colony even exported a boat load of corn.

Man is a creature of desires and a most important economic fact is that not many of his wants are supplied in the amounts required without effort on his part. Thus, when men work without the full benefit of their labors being realized, with only a dole for existence sake, and with those who do not work receiving the same, laziness and shirking become the order of the day. Therefore we can see the futility of the socialistic state and learn from the examples that history relates, that the results of socialistic controls follow a very definite pattern. The capacity as well as the necessity for savings start to decline. There seems no need for hard work or storing up for a rainy day, when the people are led to believe that the Government will take care of them no matter what befalls. The outcome is decreased production and finally—want.

The real tragedy of the whole situation is the difficulty of turning back once the die is cast. It has been said that experience is a dear teacher, but let me say here it is too dear when we are threatening not only our lives but those of future generations.

England's experiment with socialism failed, but theirs was the good fortune to have the United States Treasury to fall back upon.

Our forefathers were fortunate to survive those early winters of famines and tyrannies to leave us a heritage of freedom to worship God under our great Constitution with the rights of life, liberty, and the pursuit of happiness.

A fallacy which exists today is spread by those so-called liberals who have taken the Constitution to guarantee happiness in the form of prosperity for everyone. The Constitution reads, "the pursuit of happiness," and always remember that nine-tenths of happiness rests in the pursuit thereof. If each of you had been guaranteed a place in society with all your wants supplied when you came into this world, how many of you do you suppose would be graduating tonight? If everyone had such a guaranty, just how good would that guaranty be?

When I spoke to the graduating class at South Texas Colleges of Law and Commerce in 1941, I dealt at length with our Bill of Rights. We were at war against a totalitarian state, and yet we were threatened with the loss of our rights as guaranteed by the Constitution and Bill of Rights in our very efforts to preserve our freedom. The spirit of sacrifice brought on by the war almost lost to a totalitarian government at home the very principles we were fighting to protect on foreign soil. Indeed, we had so many emergencies and so much "must" legislation that we were on the verge of losing our cherished Bill of Rights.

After the war, the people became aware of the deception of must legislation and emergencies when they persisted in spite of peace, and the people voted overwhelmingly against our continued loss of freedom. They proved beyond a shadow of a doubt in 1952 that they wanted a change. In many respects, we have had a change. The people have been awakened to the dangers of big Government and many of the Hoover Commission recommendations are being put into practice. There is an awakened and enlightened citizenry with many patriotic organizations sounding the principles of sane legislation, including necessary amendments to protect our form of Government. We can never afford to be complacent for a minute for the forces of communism are working from within with every conceivable method to weaken our resistance. We must never forget that eternal vigilance is truly the price of liberty.

In 1941, it was the third article of the Bill of Rights that was of so much concern. Today, it is the 10th article. Our greatest bulwark against communism has been the 48 States with the 10th article of the Bill of Rights protecting their sovereignty. Suppose a strong centralized Government had had complete control during World War II when Alger Hiss and Harry Dexter White were such prominent figures in our Federal affairs. There is no doubt but that we would be under Communist dictatorship today.

Yet with each passing day, we seem to be sitting back and permitting the Supreme Court to diminish those very State rights which have in the past saved us from destruction. Unless we can amend the Constitution to provide Justices with judicial background instead of pure political appointees, I greatly fear for our future.

Our great Constitution was written and adopted on the principle that this would be a nation governed by laws and not by men. Our deep concern today over the usurpation of States rights by the decisions of the Supreme Court, were voiced long ago by the father of the Declaration of Independence, Thomas Jefferson, who said:

"The germ of dissolution of our Federal Government is in the constitution of the Federal judiciary; an irresponsible body working like gravity by night and by day, gaining a little today and a little tomorrow, and advancing its noiseless step like a thief, over the field of jurisdiction, until all shall be usurped from the States, and the Government of all be consolidated into one. To this I am opposed, because, when all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the center of all power, it will render powerless the checks provided of one government on another, and will become as venal and oppressive as the government from which we separated."

Article 6 of the Constitution states, in part, "all judicial officers * * * shall be bound by oath or affirmation to support this Constitution."

By applying this constitutional test, in my opinion, every member of the Supreme Court could be impeached. And I say they should be, for the Supreme Court's usurpation of the power to legislate, which was delegated to Congress by our Constitution, smacks of facism, nazism, and communism. Congress should act at once to correct this situation, and any candidate for Congress who will not accept this responsibility should be defeated in this coming election. Until we are able to find a way to protect our States and the people from the baseless decisions of the Court, we are a nation governed by men and not by law. And who can say what whim may prevail over the so-called nine old men tomorrow?

Certainly if our Constitution guarantees us any rights, it provides for the right to work. And yet, the Supreme Court a few days ago, ruled against the right to work laws of the various States.

The time has come when it is imperative that we appraise our national situation with relation to capital and labor. Too great emphasis has been placed on the distinction between these two factors of production. This dividing line is being drawn more clearly each day by some labor leaders due to their personal ambitions, and others because of lack of knowledge, who are using the labor unions to build a political machine. Samuel Gompers, the father of the labor unions and highly respected by all who knew him, bitterly opposed this, as do many of the well informed labor leaders. But the acts of a few labor leaders are hurting labor's cause.

Evidence is on hand at every turn to prove this, but to cite an instance—take the position of the employees of Ford Motor Co. during their last labor dispute. If the union leaders had accepted the management's proposal of ownership of stock in the company instead of the union leader's proposition, they would have benefited by about 42 percent more than they actually received in hourly cash benefits.

An important factor in analyzing this labor-management situation, is to recognize that there is no clearcut distinction between the people involving the four factors of production—labor, land, capital, and management—for the truth of the matter is that any individual in a community can be described in relation to one or more of these factors. For instance, every laborer who so much as owns a car is also a capitalist, and it is not infrequent for one individual to be a landowner, laborer, capitalist, and manager.

Let us take a look at what the so-called laborer will have if he permits his labor boss to completely dominate the production scene. The manager is the one who performs the function of organizing, planning, and bearing the risks of production. If through strikes, closed shops, and other means that labor uses of forcing management to increase wages and benefits, the margin of profit becomes too low or becomes a loss, what will become of capital and management? It is ridiculous to assume that management will continue to organize and plan and bear the risks of production when there is little or no chance for profit. The next step is Government ownership and complete socialization.

The laborer's greatest friend and the greatest statesman of this generation in my opinion, Bob Taft, is now deceased, but the benefits of the Taft-Hartley labor law live on. Under the old Wagner Act, some of the cruel labor leaders were using goons to beat up the laborer and their families to make them conform to their ideas, and under that act the laborer had no protection under the law. The Taft-Hartley law changed this situation, and naturally the selfish labor leader wants to weaken the law. The Taft-Hartley law may need some improvements, but I do not believe the laborer will ever want to weaken it and go back to the days of the Wagner Act, because he has come to realize that his success depends more upon the success of the company for which he works than upon his labor boss.

The laborer cannot ignore the absolute truth that his welfare is bound to the welfare of management and capital. Plain common sense calls for labor and management to join hands for their mutual progress.

There are not many ills in our Nation today that could not be cured by a good dose of constructive thinking followed by a round of concentrated activity. Our greatest weakness is within us—as a nation we have grown complacent because of materialistic success. The advances we made under a free enterprise economy, we are jeopardizing without much thought.

To think, one must be informed. Thomas Jefferson said: "If a nation expects to be ignorant and free, it expects what never was and never will be."

And Plato said: "The penalty good men pay for indifference to public affairs, is to be ruled by evil men."

Along with your life's work, it is your duty and privilege to take an interest in your local, State, and national governments, and in doing this, you should avoid every form of socialism, old-fogyism, and middle-of-the-roadism. You must never become narrow-minded, but always be willing to compromise on circumstances, but never on principles.

In conclusion, I wish to say that you have every right to be cheerful as you go forth to meet the new challenges in an exciting and creative age. One of you may possess a dream that will advance the human race. Make it your business to remain informed, to use all your powers to think and act, but never from a selfish viewpoint. Above all, never permit the sin of indifference to enter your lives to destroy your souls.

## DISCHARGE PETITION ON CIVIL RIGHTS BILL

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, I have this day placed upon the Clerk's desk a discharge petition which would in effect make it possible for the House, lacking prior action by the Rules Committee prior to that time, to cast a decisive vote on the bill, H. R. 627, involving civil rights.

Mr. Speaker, I urge at this time that the Members refer to the CONGRESSIONAL RECORD of May 31, page 9365 in order to understand that the filing of this discharge petition is done with the greatest possible respect to members of the Rules Committee.

Mr. Speaker, finally may I say that this discharge petition is placed on the Clerk's desk in the very firm conviction that the matters which are covered by H. R. 627 are of the greatest importance to the future of our country and to the welfare of all of the citizens of the United States.

Mr. HAYWORTH. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HAYWORTH. Mr. Speaker, last month, in his address to a joint session of Congress, the President of the Republic of Indonesia ably and forcefully reminded us that, as he put it:

> In our contemporary, world, the impact of America is felt more and more. The influence of the American with his outlook, his ideas, his technical and scientific advances, reaches to almost every corner of Asia and Africa.

President Sukarno then asserted in admirable terms his faith in the America of the Declaration of Independent, the America of Washington, of Jefferson, and of Lincoln.

It is hardly necessary to add that it is not only the admirable, the idealistic, the progressive side of America and American traditions that is having a worldwide impact. Every one of us who has traveled abroad knows full well the international repercussions of the racial and religious intolerances and injustices that unfortunately still persist throughout America—in the North as well as the South. I venture to suggest that each of us who has traveled in Asia, Africa, or Latin America can easily recall being confronted with very embarrassing questions about the second-class citizenship so widely accorded the American Negro.

Mr. Speaker, we cannot forget—or if we do forget, it shall be at great peril to the future of our country—that the great bulk of mankind is nonwhite. America surely cannot retain its position of leadership among the democratic nations of the world if we in the United States Congress do not take action to correct the injustices under which American Negroes have suffered for 90 years. Ninety years is a long time for free Americans to wait for justice at the hands of their fellow citizens.

The provisions of the so-called civil rights bill favorably reported by the Judiciary Committee are mild, indeed. They herald no revolutionary developments. The bill, H. R. 627, simply provides for a Commission on Civil Rights with powers to investigate injustices, an additional assistant attorney general to take charge of civil-rights work, and authorization of the attorney general to bring civil actions in Federal courts to prevent or redress practices which violate civil-rights statutes.

This bill should be acted upon in this session of Congress, if we are to keep faith with millions of Americans as well as with those millions of people throughout the world whom we profess to lead in the cause of democracy. Statements by our President about "the dignity of man" will soon lose their appeal if we fail to give elementary protection to the dignity of man throughout our own country.

Mr. Speaker, I respectfully urge every Member of this House, regardless of party, to sign the discharge petition which will bring H. R. 627 to the floor of the House. Let us make the practice of American democracy more nearly consistent with the high principles upon which it is based.

## SOIL-BANK BENEFITS

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. EDMONDSON. Mr. Speaker, this morning's Washington Post and Times Herald carries an Associated Press dispatch from Beaver Dam, Wis., which I believe is going to come as a considerable shock to a number of Members of the House who supported and voted for the soil-bank proposition in the hope it would put some money in the pockets of the farmers in their areas this year.

The Secretary of Agriculture is quoted in this dispatch as warning the farmers not to look to the new soil-bank program for drought relief, flood relief and credit needs.

He is quoted as saying:

> I intend to see that the Nation gets a dollar's worth of surplus reduction or a dollar's worth of conservation for every dollar paid out.

The article goes on with this interpretation:

> Benson's remarks would seem to rule out farmers whose crops appear destined to failure because of drought or flood damage, a group which had been expected to make up the bulk of the participants this year.

In short, if we can believe this Associated Press dispatch and the interpretation of the Secretary's remarks, the farmers who are most in need of a soil-bank program to put cash in their pockets this year, the farmers who are suffering because of reduced or diminishing crop prospects as the result of drought or as the result of flood, are going to be excluded from this program.

I hope the Secretary has been misquoted or misunderstood in his remarks because I am certain that was not the intent of Congress in passing the soil-bank provision and directing its implementation this year.

## COMMITTEE ON THE JUDICIARY

Mr. WALTER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may be permitted to sit during general debate on tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

## INTERNATIONAL LIFEBOAT RACING TROPHY

Mr. BONNER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BONNER. Mr. Speaker, I take this time to announce to the House that an American lifeboat crew has won the international lifeboat race. I will include in my remarks a telegram sent to the members of this crew and a reply to the telegram. The race was won by a crew from the Esso tanker fleet of the Standard Oil Co.

HOUSE MERCHANT MARINE
AND FISHERIES COMMITTEE,
*June 4, 1956.*

ESSO LIFEBOAT CREW,
*Care of Mr. M. G. Gamble,*
*President, Esso Shipping Co.,*
*New York, N. Y.:*

We in Congress interested in the American merchant marine are proud and happy over your accomplishment in bringing back to America the trophy recently won by you. We send you our congratulations and best wishes and join you in pride over your accomplishment.

HERBERT C. BONNER,
*Chairman, Merchant Marine and Fisheries Committee, House of Representatives, United States.*

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NEW YORK, N. Y., *June 4, 1956.*

Congressman HERBERT C. BONNER,
*The House of Representatives,*
*Washington, D. C.:*

Reference your telegram of June 4: Your most generous and thoughtful praise of our boat crews accomplishment in bringing back to the United States the international lifeboat racing trophy is deeply apreciated by the Esso lifeboat crew and by all of us in the management of the Esso Shipping Co. The satisfaction and pride in winning the race is greatly enhanced by recognition from Members of Congress and particularly from a leading statesman such as yourself.

With warm personal regards,

Sincerely,

MILLARD G. GAMBLE.

[From the Washington (D. C.) Evening Star of May 30, 1956]

FOR SAFER BOATING

The remarkable development of small-boat activity in recent years—especially in the power-craft category—has been accompanied by an increase in the number of boating tragedies throughout the country. The situation has become so serious that two of the larger boating organizations have joined in urging Congress to study the problem, with a view to promoting water safety. The move is timely, for it is predicted that more inboard and outboard pleasure craft will be operating this summer in salt and fresh water recreational areas than ever before.

It has been estimated that there are now about 25 million small-boat enthusiasts who spend their week ends or vacations enjoying their favorite sport. Many of these are novices whose unfamiliarity with vagaries of weather and water and with elementary rules of navigation and boating safety may be expected to result in more accidents and drownings in the next few months. There is no regulation of small boating by the Coast Guard, and few local authorities exercise any effective control. But, as Chairman BONNER of the House Merchant Marine and Fisheries Committee remarked, the rise in serious boating mishaps indicates "a possible need for greater precautions to be taken by both State and Federal Governments" in the small-boat field. The program might well include an extension of safety inspections by the Coast Guard to include boats smaller than the 16-foot-and-under group (now exempt) and tightening up by State and municipal authorities on safety requirements in recreational waters under their jurisdiction.

The proposed inquiry has the support of the National Association of Engine and Boat Manufacturers as well as of the Outboard Boating Club of America. This teamwork between industry and customers is logical, for both groups have an interest in making boating safer and more popular.

## CIVIL-RIGHTS LEGISLATION

Mr. DIES. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DIES. Mr. Speaker, in connection with the remarks of my colleague from California announcing that a discharge petition on the civil-rights bill has been filed, I will say that I have not had an opportunity to study this bill, but it is my understanding that one of its chief provisions is the centralization of power in Washington in the Justice Department. It is interesting to note that the Soviet Union, having tried the same experiment, has recently decentralized, so while we are urged to move in the direction of centralization they are moving toward decentralization of power. I think it would be well for the advocates of civil-rights legislation to bear that in mind.

## FEDERAL-AID ROAD ACT

Mr. FALLON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10660) to amend and supplement the Federal-Aid Road Act approved July 11, 1916, to authorize appropriations for continuing the construction of highways; to amend the Internal Revenue Code of 1954 to provide additional revenue from the taxes on motor fuel, tires, and trucks and buses; and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Maryland? The Chair hears none, and appoints the following conferees on title I of the bill: Mr. BUCKLEY, Mr. FALLON, Mr. DAVIS of Tennessee, Mr. BLATNIK, Mr. DONDERO, Mr. MCGREGOR, Mr. AUCHINCLOSS; and the following as conferees on title II: Mr. COOPER, Mr. MILLS, Mr. BOGGS, Mr. REED of New York, Mr. JENKINS.

## MR. AND MRS. THOMAS V. COMPTON

Mr. FORRESTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 1866) for the relief of Mr. and Mrs. Thomas V. Compton, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 7, strike out "in excess of 10 percent thereof."

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

## MRS. ELLA MADDEN AND CLARENCE E. MADDEN

Mr. FORRESTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 5237) for the relief of Mrs. Ella Madden and Clarence E. Madden, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, lines 7 and 8, strike out "in excess of 10 percent thereof."

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

## CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

## AMENDING FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949, AS AMENDED

The Clerk called the bill (S. 2364) to amend the Federal Property and Administrative Services Act of 1949, as amended, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CUNNINGHAM. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

## SIMPLIFYING ACCOUNTING, FACILITATING THE PAYMENT OF OBLIGATIONS, ETC.

The Clerk called the bill (H. R. 9593) to simplify accounting, facilitate the payment of obligations, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That, except as otherwise provided by law, (a) the account for each appropriation available for obligation for a definite period of time shall, upon the expiration of such period, be closed as follows:

(1) The obligated balance shall be transferred to an appropriation account of the activity responsible for the liquidation of the obligations, in which account shall be merged the amounts so transferred from all appropriation accounts for the same general purposes; and

(2) The remaining balance shall be withdrawn and, if the appropriation was derived in whole or in part from the general fund, shall revert to such fund, but if the appropriation was derived solely from a special or trust fund, shall revert, unless otherwise provided by law, to the fund from which derived.

(b) The transfers and withdrawals required by subsection (a) of this section shall be made—

(1) not later than September 30 of the fiscal year immediately following the fiscal year in which the period of availability for obligation expires, in the case of an appropriation available both for obligation and disbursement on or after the date of approval of this act; or

(2) not later than September 30 of the fiscal year immediately following the fiscal year in which this act is approved, in the case of an appropriation which, on the date of approval of this act, is available only for disbursement.

(c) For the purposes of this act, the obligated balance of an appropriation account shall be the amount of unliquidated obligations applicable to such appropriation less the amount collectible as repayments to the appropriation as of the close of the fiscal year as reported pursuant to section 1311 (b) of the Supplemental Appropriation Act, 1955 (68 Stat. 830; 31 U. S. C. 200 (b)). Collections authorized to be credited to an appropriation but not received until after the close of the fiscal year in which such appropriation expires for obligation shall, unless otherwise authorized by law, be credited to the appropriation account into which the obligated balance has been or will be transferred, pursuant to subsection (a) (1), except that collections made by the General Accounting Office for other Government agencies may be deposted into the Treasury as miscellaneous receipts.

(d) The transfers and withdrawals required pursuant to subsection (a) of this section shall be accounted for and reported as of the fiscal year in which the appropriations concerned expire for obligation, except that such transfers of appopriations described in subsection (b) (2) of this section shall be accounted for and reported as of the fiscal year in which this act is approved.

SEC. 2. Each appropriation account established pursuant to this act shall be accounted for as one fund and shall be available without fiscal year limitation for payment of obligations chargeable against any of the appropriations from which such account was derived. Subject to regulations to be prescribed by the Comptroller General of the United States, payment of such obligations may be made without prior action by the General Accounting Office, but nothing contained in this act shall be construed to relieve the Comptroller General of the United States of his duty to render decisions upon requests made pursuant to law or to abridge the existing authority of the General Accounting Office to settle and adjust claims, demands, and accounts.

SEC. 3. (a) Appropriation accounts established pursuant to this act shall be reviewed periodically, but at least once each fiscal year, by each activity responsible for the liquidation of the obligations chargeable to such accounts. If the undisbursed balance in any account exceeds the obligated balance pertaining thereto, the amount of the excess shall be withdrawn in the manner provided by section 1 (a) (2) of this act; but if the obligated balance exceeds the undisbursed balance, the amount of the excess shall be transferred to such account from the appropriation currently available for the same general purposes. A review shall be made as of the close of each fiscal year and the transfers or withdrawals required by this section accomplished not later than September 30 of the following fiscal year, but the transactions shall be accounted for and reported as of the close of the fiscal year to which such review pertains. A review made as of any other date for which transfers or withdrawals are accomplished after September 30 in any fiscal year shall be accounted for and reported as transactions of the fiscal year in which accomplished.

(b) Whenever a payment chargeable to an appropriation account established pursuant to this act would exceed the undisbursed balance of such account, the amount of the deficiency may be transferred to such account from the appropriation currently available for the same general purposes. Where such deficiency is caused by the failure to collect repayments to appropriations merged with the appropriation account established pursuant to this act, the amount of the deficiency may be returned to such current appropriation if the repayments are subsequently collected during the same fiscal year.

(c) In connection with his audit responsibilities, the Comptroller General of the United States shall report to the head of the agency concerned, to the Secretary of the Treasury, and to the Director of the Bureau of the Budget, respecting operations under this act, including an appraisal of the unliquidated obligations under the appropriation accounts established by this act. Within 30 days after receipt of such report, the agency concerned shall accomplish any actions required by subsection (a) of this section which such report shows to be necessary.

SEC. 4. During the fiscal year following the fiscal year in which this act becomes effective, and under rules and regulations to be prescribed by the Comptroller General of the United States, the undisbursed balance of the appropriation account for payment of certified claims established pursuant to section 2 of the act of July 6, 1949 (63 Stat. 407; 31 U. S. C. 712b), shall be closed in the manner provided in section 1 (a) of this act.

SEC. 5. The obligated balances of appropriations made available for obligation for definite periods of time under discontinued appropriation heads may be merged in the appropriation accounts provided for by section 1 hereof, or in one or more other accounts to be established pursuant to the act for discontinued appropriations of the activity currently responsible for the liquidation of the obligations.

SEC. 6. The unobligated balances of appropriations which are not limited to a definite period of time shall be withdrawn in the manner provided in section 1 (a) (2) of this act whenever the head of the agency concerned shall determine that the purpose for which the appropriation was made has been fulfilled or will not be undertaken or continued; or, in any event, whenever disbursements have not been made against the appropriation for two full consecutive fiscal years: *Provided*, That amounts of appropriations not limited to a definite period of time which are withdrawn pursuant to this section or where heretofore withdrawn from the appropriation account by administrative action may be restored to the applicable appropriation account for the payment of obligations and for the settlement of accounts.

SEC. 7. The following provisions of law are hereby repealed:

(a) The proviso under the heading "Payment of Certified Claims" in the act of April 25, 1945 (59 Stat. 90; 31 U. S. C. 690);

(b) Section 2 of the act of July 6, 1949 (63 Stat. 407; 31 U. S. C. 712b), but the repeal of this section shall not be effective until June 30, 1957;

(c) The paragraph under the heading "Payment of Certified Claims" in the act of June 30, 1949 (63 Stat. 358; 31 U. S. C. 712c);

(d) Section 5 of the act of March 3, 1875 (18 Stat. 418; 31 U. S. C. 713a); and

(e) Section 3691 of the Revised Statutes, as amended (31 U. S. C. 715).

SEC. 8. The provisions of this act shall not apply to the appropriations for the District of Columbia.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That, (a) the account for each appropriation available for obligation for a definite period of time shall, upon the expiration of such period, be closed as follows:

"(1) The obligated balance shall be transferred to an appropriation account of the agency or subdivision thereof responsible for the liquidation of the obligations, in which account shall be merged the amounts so transferred from all appropriation accounts for the same general purposes; and

"(2) The remaining balance shall be withdrawn and, if the appropriation was derived in whole or in part from the general fund, shall revert to such fund, but if the appropriation was derived solely from a special or trust fund, shall revert, unless otherwise provided by law, to the fund from which derived: *Provided*, That when it is determined necessary by the head of the agency concerned that a portion of the remaining balance withdrawn is required to liquidate obligations and effect adjustments, such portion of the remaining balance may be restored to the appropriate accounts established pursuant to this act: *Provided further*, That prior thereto the head of the agency concerned shall make such report with respect to each such restoration as the Director of the Bureau of the Budget may require.

"(b) The transfers and withdrawals required by subsection (a) of this section shall be made—

"(1) not later than September 30 of the fiscal year immediately following the fiscal year in which the period of availability for obligation expires, in the case of an appropriation available both for obligation and disbursement on or after the date of approval of this act; or

(2) not later than September 30 of the fiscal year immediately following the fiscal year in which this act is approved, in the case of an appropriation which, on the date of approval of this act, is available only for disbursement.

"(c) For the purposes of this act, the obligated balance of an appropriation account as of the close of the fiscal year shall be the amount of unliquidated obligations applicable to such appropriation less the amount collectible as repayments to the appropriation as reported pursuant to section 1311 (b) of the Supplemental Appropriation Act, 1955 (68 Stat. 830; 31 U. S. C. 200 (b)). Collections authorized to be credited to an appropriation but not received until after the close of the fiscal year in which such appropriation expires for obligation shall, unless otherwise authorized by law, be credited to the appropriation account into which the obligated balance has been or will be transferred, pursuant to subsection (a) (1), except that collections made by the General Accounting Office for other Government agencies may be deposited into the Treasury as miscellaneous receipts.

"(d) The transfers and withdrawals made pursuant to subsections (a) and (b) of this section shall be accounted for and reported as of the fiscal year in which the appropriations concerned expire for obligation, except that such transfers of appropriations described in subsection (b) (2) of this section shall be accounted for and reported as of the fiscal year in which this act is approved.

"SEC. 2. Each appropriation account established pursuant to this act shall be accounted for as one fund and shall be available without fiscal year limitation for payment of obligations chargeable against any of the appropriations from which such account was derived. Subject to regulations to be prescribed by the Comptroller General of the United States, payment of such obligations may be made without prior action by the General Accounting Office, but nothing contained in this act shall be construed to relieve the Comptroller General of the United States of his duty to render decisions upon requests made pursuant to law or to abridge the existing authority of the General Accounting Office to settle and adjust claims, demands, and accounts.

"SEC. 3. (a) Appropriation accounts established pursuant to this act shall be reviewed periodically, but at least once each fiscal year, by each agency concerned. If the undisbursed balance in any account exceeds the obligated balance pertaining thereto, the amount of the excess shall be withdrawn in the manner provided by section 1 (a) (2) of this act; but if the obligated balance exceeds the undisbursed balance, the amount of the excess may be transferred to such account from the appropriation currently available for the same general purposes. A review shall be made as of the close of each fiscal year and the transfers or withdrawals required by this section accomplished not later than September 30 of the following fiscal year, but the transactions shall be accounted for and reported as of the close of the fiscal year to which such review pertains. A review made as of any other date for which transfers or withdrawals are accomplished after September 30 in any fiscal year shall be accounted for and reported as transactions of the fiscal year in which accomplished.

"(b) Whenever a payment chargeable to an appropriation account established pursuant to this act would exceed the undisbursed balance of such account, the amount of the deficiency may be transferred to such account from the appropriation currently available for the same general purposes. Where such deficiency is caused by the failure to collect repayments to appropriations merged with the appropriation account established pursuant to this act, the amount of the deficiency may be returned to such current appropriation if the repayments are subsequently collected during the same fiscal year.

"(c) In connection with his audit responsibilities, the Comptroller General of the United States shall report to the head of the agency concerned, to the Secretary of the

Treasury, and to the Director of the Bureau of the Budget, respecting operations under this act, including an appraisal of the unliquidated obligations under the appropriation accounts established by this act. Within 30 days after receipt of such report, the agency concerned shall accomplish any actions required by subsection (a) of this section which such report shows to be necessary.

"SEC. 4. During the fiscal year following the fiscal year in which this act becomes effective, and under rules and regulations to be prescribed by the Comptroller General of the United States, the undisbursed balance of the appropriation account for payment of certified claims established pursuant to section 2 of the act of July 6, 1949 (63 Stat. 407; 31 U. S. C. 712b), shall be closed in the manner provided in section 1 (a) of this act.

"SEC. 5. The obligated balances of appropriations made available for obligation for definite periods of time under discontinued appropriation heads may be merged in the appropriation accounts provided for by section 1 hereof, or in one or more other accounts to be established pursuant to this act for discontinued appropriations of the agency or subdivision thereof currently responsible for the liquidation of the obligations.

"SEC. 6. The unobligated balances of appropriations which are not limited to a definite period of time shall be withdrawn in the manner provided in section 1 (a) (2) of this act whenever the head of the agency concerned shall determine that the purposes for which the appropriation was made has been fulfilled, in any event, whenever disbursements have not been made against the appropriation for two full consecutive fiscal years: *Provided*, That amounts of appropriations not limited to a definite period of time which are withdrawn pursuant to this section or were heretofore withdrawn from the appropriation account by administrative action may be restored to the applicable appropriation account for the payment of obligations and for the settlement of accounts.

"SEC. 7. The following provisions of law are hereby repealed:

"(a) The proviso under the heading 'Payment of Certified Claims' in the act of April 25, 1945 (59 Stat. 90; 31 U. S. C. 690);

"(b) Section 2 of the act of July 6, 1949 (63 Stat. 407; 31 U. S. C. 712b), but the repeal of this section shall not be effective until June 30, 1957;

"(c) The paragraph under the heading 'Payment of Certified Claims' in the act of June 30, 1949 (63 Stat. 358; 31 U. S. C. 712c);

"(d) Section 5 of the act of March 3, 1875 (18 Stat. 418; 31 U. S. C. 713a); and

"(e) Section 3691 of the Revised Statutes, as amended (31 U. S. C. 715).

"(f) Any provisions (except those contained in appropriation acts for the fiscal years 1956 and 1957) permitting an appropriation to remain available for expenditure for any period beyond that for which it is available for obligation, but this subsection shall not be effective until June 30, 1957.

"SEC. 8. The provisions of this act shall not apply to the appropriations for the District of Columbia.

"SEC. 9. The inclusion in appropriation acts of provisions excepting any appropriation or appropriations from the operation of the provisions of this act and fixing the period for which such appropriation or appropriations shall remain available for expenditure is hereby authorized."

Mr. DAWSON of Illinois. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. DAWSON of Illinois to the committee amendment:

Page 7, lines 19 and 20, strike ", upon the expiration of such period." Line 21, insert immediately after "(1)" the following: "On June 30 of the second full fiscal year following the fiscal year or years for which the appropriation is available for obligation," and substitute "the" for "The."

Page 8, line 3, strike "The remaining" and insert in lieu thereof "Upon the expiration of the period of availability for obligation, the unobligated." Line 10, strike "remaining" and insert in lieu thereof "unobligated." Lines 11 and 12, strike "remaining" and insert in lieu thereof "unobligated." Lines 12 and 13, strike "established pursuant to this act." Line 17, strike "transfers and." Line 18, insert "(2)" immediately following "(a)."

Page 9, lines 9 to 11, strike "as reported pursuant to section 1311 (b) of the Supplemental Appropriation Act, 1955 (68 Stat. 830; 31 U. S. C. 200 (b))." and insert in lieu thereof "; the unobligated balance shall represent the difference between the obligated balance reported pursuant to section 1311 (b) of the Supplemental Appropriation Act, 1955 (68 Stat. 830; 31 U. S. C. 200 (b)), and the total unexpended balance." Lines 13 to 17, strike "close of the fiscal year in which such appropriation expires for obligation shall, unless otherwise authorized by law, be credited to the appropriation account into which the obligated balance has been or will be transferred, pursuant to subsection (a) (1)" and insert in lieu thereof "transfer of the obligated appropriation balance as required by subsection (a) (1) of this act, shall, unless otherwise authorized by law, be credited to the account into which the obligated balance has been transferred." Line 17, insert "any" immediately following "that" and substitute "collection" for "collections." Line 20, strike "transfers and." Line 21, substitute "subsection (a) (2)" for "subsections (a) and (b)."

Page 9, lines 23 and 24, substitute a period for the comma. Strike "except that such transfers of appropriations" and insert in lieu thereof "The withdrawals."

Page 10, lines 23 to 25, strike "may be transferred to such account from the appropriation currently available for the same general purposes" and insert in lieu thereof ", not to exceed the remaining unobligated balances of the appropriations available for the same general purposes, may be restored to such account."

Page 11, line 1, substitute "restorations" for "transfers." Line 2, insert after "required" the words "or authorized." Line 6, substitute "restorations" for "transfers." Line 9, substitute a colon for the period and add the following: "*Provided*, That prior to any restoration under this subsection the head of the agency concerned shall make such report with respect thereto as the Director of the Bureau of the Budget may require." Lines 10 through 20, strike all of subsection (b). Line 21, renumber subsection "(c)" to "(b)."

Page 12, line 9, substitute "obligated" for "undisbursed." Lines 12 and 13, strike "closed in the manner provided in section 1 (a) of this act" and insert in lieu thereof "transferred to the related appropriation accounts established pursuant to this act and the unobligated balance shall be withdrawn." Line 16, insert after "may" the following: ", upon the expiration of the second full fiscal year following the fiscal year or years for which such appropriations are available for obligation."

Page 14, lines 2 and 3, strike "to remain available for expenditure for any period beyond that for which it is available for obligation" and insert in lieu thereof "which is limited for obligation to a definite period of time to remain available for expenditure for more than the 2 succeeding full fiscal years."

Page 14, line 6, strike the period after Columbia and add the following: "or appropriations to be disbursed by the Secretary of the Senate or the Clerk of the House of Representatives."

The amendment to the committee amendment was agreed to.

The committee amendment, as amended, was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## AMENDING THE PUBLIC HEALTH SERVICE ACT TO PROVIDE MENTAL HEALTH STUDY GRANTS

The Clerk called the bill (H. R. 9048) to amend the Public Health Service Act so as to improve the mental health of the Nation through grants for special projects to develop improved methods of care, treatment, and rehabilitation of the mentally ill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

## NATIONAL HEALTH SURVEY ACT

The Clerk called the bill (S. 3076) to provide for a continuing survey and special studies of sickness and disability in the United States, and for periodic reports of the results thereof, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

## SETTLEMENT OF CERTAIN CLAIMS OF UINTAH AND WHITE RIVER BANDS OF UTE INDIANS

The Clerk called the bill (H. R. 7663) to provide for settlement in part of certain claims of the Uintah and White River Bands of Ute Indians in Court of Claims case No. 47568, through restoration of subsurface rights in certain lands formerly a part of the Uintah Indian Reservation.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That after acceptance by the Ute Indian Tribe of the Uintah and Ouray Reservation, in Utah, of the provisions of this act and the filing by the Uintah and White River Bands of Ute Indians of an amendment to the petition in Court of Claims case No. 47568, as provided in section 5 hereof, all right, title, and interest in and to the subsurface, including mineral and oil and gas resources, of the land described in section 6, shall be restored to tribal ownership and vested in the Ute Indian Tribe of the Uintah and Ouray Reservation in Utah. Valid oil and gas leases outstanding on this land as of the effective date of this act shall continue in force and effect according to their terms, but any extension or renewal

thereof, except as required by the terms of said leases, shall be subject to the approval of the Ute Indian Tribe of the Uintah and Ouray Reservation, and all rentals, royalties, or other payments received by the United States under or on account of such leases after the effective date of this act shall be deposited into the Treasury of the United States to the credit of the Ute Indian Tribe of the Uintah and Ouray Reservations, in Utah, pursuant to the provisions of the act of May 17, 1926 (44 Stat. 560), as amended (25 U. S. C., sec. 155), and shall be available for such purposes as may be designated by the Uintah and Ouray Tribal Business Committee and approved by the Secretary of the Interior. Upon the lapse, surrender, expiration, or termination of any such lease, the subsurface rights covered thereby shall be vested in the Ute Indian Tribe of the Uintah and Ouray Reservation, in Utah, in accordance with the terms of this act.

SEC. 2. The Ute Indian Tribe of the Uintah and Ouray Reservation, in Utah, may prospect, mine, drill, remove, process, or otherwise exploit any or all of the subsurface mineral and oil and gas resources of the land described in section 6 of this act that are not covered by valid leases, locations, or other claims as of the effective date of this act; may sell or otherwise dispose of any or all of the production obtained through the exploitation of such resources by said tribe; and may issue leases or permits for the prospecting, mining, drilling, removal, or processing of such resources. Each such action shall be in accordance with the provisions of law and of the constitution, bylaws, and corporate charter of said tribe, that would be applicable to the taking of like action with respect to mineral resources within the Uintah and Ouray Reservation. Any operations conducted pursuant to this section or under a lease or permit issued pursuant to this section shall also be subject to the direction and control of the Secretary of Agriculture to the extent provided in section 3 of this act. The mineral resources of the land described in section 6 shall not be subject to disposition otherwise than as provided in this section, except in pursuance of valid leases, locations, or other claims existing at the time this act becomes effective and thereafter maintained in compliance with the laws under which the same were initiated.

SEC. 3. The term "direction and control of the Secretary of Agriculture" as used herein means such administrative supervision by the Secretary of Agriculture as is reasonably necessary to prevent serious injury to the surface resources of the land described in section 6, or the adjoining lands of the Uintah National Forest, but shall not be construed to prohibit the use of the surface, under accepted engineering or mining standards, for prospecting, mining, drilling, and removing subsurface resources, including (but without limitation to) installation and operation of mining, drilling, or pumping equipment and machinery, building and maintaining roadways, and free ingress and egress for prospecting, exploiting, and removing such surface resources to market.

SEC. 4. The benefits herein granted to the Ute Indian Tribe of the Uintah and Ouray Reservation, in Utah, shall be in partial settlement of the claims of the Uintah and White River Bands of the Ute Indians pending before the Court of Claims in docket numbered 47568, and upon acceptance, as provided in section 5, shall have the effect of releasing the United States from any claimed liability for the payment of such damages as might be based upon the subsurface resources or value thereof attributable to the lands which are the subject matter of that said action. Any jurisdiction of the Court of Claims to make an award of damages including or based upon subsurface values in docket No. 47568 shall be withdrawn upon this act's taking effect as provided in section 5, and jurisdiction of the Court of Claims in docket No. 47568 shall thereafter be continued only as to a claim for just compensation based upon the value of the surface rights of the lands which are the subject of that action: *Provided*, That the standard of liability and measure of damages in such action shall in all other respects be determined by the provisions of the Ute Jurisdictional Act of June 28, 1938 (52 Stat. 1209), as amended by the acts of July 15, 1941 (55 Stat. 593), June 22, 1943 (57 Stat. 160), June 11, 1946 (60 Stat. 255), and sections 1, 2, 11, and 25 of the act of August 13, 1946 (60 Stat. 1049), except that any money heretofore received by the United States, for or on account of the patenting or other disposition, without reservation of mineral rights, of any of the land covered by the claim, and paid over to or expended for the benefit of the Uintah and White River Bands shall be deemed to be in lieu of compensation for the subsurface values thus disposed of and shall not be allowed as a payment on the claim or an offset against any recovery which may be awarded as compensation for the surface rights.

SEC. 5. This act shall not become effective unless and until (1) the Ute Indian Tribe of the Uintah and Ouray Reservation, in Utah, accepts its provisions, in such manner as may be designated by the Secretary of the Interior, within 1 year after the approval hereof; (2) the Uintah and White River Bands present to the Secretary of the Interior a release, satisfactory to him, of any claims they might have because the Uncompahgre Utes are permitted to share in the benefits of this act; and (3) an amendment to the petition in docket No. 47568 is filed with the Court of Claims limiting the prayer for relief as to the claim presently stated therein to just compensation based upon the value of surface rights only, in accordance with section 4 hereof. Such amendment when filed shall relate back to the date of filing of the original petition in docket No. 47568.

SEC. 6. The land covered by this act is that portion of the one million and ten thousand acres of the former Uintah Reservation added to the Uintah National Forest by Executive order dated July 14, 1905 (34 Stat. 3116), which was not included for payment in the act of February 13, 1931 (46 Stat. 1092), having been separately classified therein as coal lands and described as comprising thirty-six thousand two hundred and thirty-three acres; excluding, however, such portions thereof as having been patented or otherwise disposed of into private ownership without reservation of mineral rights as of the effective date of this act; the said area being more particularly described as follows:

Township 1 south, range 8 west, Uintah meridian, Utah: North half, and the north half of the south half of section 16; section 17; lots 2, 3, and 4, and the southeast quarter of the northwest quarter, and the east half of the southwest quarter, and the northeast quarter of the northeast quarter, and the south half of the northeast quarter, and the southeast quarter of section 18; lot 1, and the northeast quarter of the northwest quarter, and the north half of the northeast quarter of section 19.

Township 1 south, range 9 west, Uintah meridian, Utah: Southeast quarter of the northeast quarter and the half of section 13; south half of the south half of section 14; south half of the south half of section 15; the northwest quarter of the southwest quarter, and the south half of the south half of section 16; southwest quarter of the northeast quarter, and the south half of the northwest quarter, and the south half of section 17; section 18; lots 1, 3, and 4, and the northeast quarter of the northwest quarter, and the east half of the southwest quarter, and the north half of the northeast quarter, and the southeast quarter of section 19; section 20; section 21; section 22; section 23; north half and the southwest quarter, and the northwest quarter of the southeast quarter of section 24; the northwest quarter of the northwest quarter of section 25; the north half of section 26; north half of section 27; the north half of section 28; the north half and the east half of the southwest quarter and the north half of the southeast quarter of section 29; lots 1, 2, and 3, and the east half of the northwest quarter, and the northeast quarter of section 30.

Township 1 south, range 10 west, Uintah meridian, Utah: The south half of the south half of section 10; the south half of the south half of section 11; the south half of the south half of section 12; section 13; section 14; section 15; section 16; the northeast quarter and south half of the northwest quarter, and the south half of section 17; the southeast quarter of the northeast quarter, and the southeast quarter of the southwest quarter, and the southeast quarter of section 18; section 19; section 20; section 21; section 22; section 23; section 24; the north half and the north half of the south half of section 25; section 26; section 27; section 28; section 29; the east half and lots 1, 2, 3, and 4, and the east half of the west half of section 30; lots 1, 2, 3, and 4, and the east half of the west half and the east half of section 31; section 32; the north half and the north half of the southwest quarter of section 33; and the northeast quarter of the northeast quarter, and the west half of the northeast quarter, and the northwest quarter of section 34; the north half of the north half of section 35.

Township 1 south, range 11 west, Uintah meridian, Utah: Lots 1, 2, 3, and 4, and the east half of the west half, and the southeast quarter of section 18; section 19; the northwest quarter of the northwest quarter and the south half of the northwest quarter and the southwest quarter and the west half of the southeast quarter of section 20; the east half and the east half of the northwest quarter and the northeast quarter of the southwest quarter of section 25; the west half of the southwest quarter and the southeast quarter of the southwest quarter and the southwest quarter of the southeast quarter, of section 28; section 29; section 30; the northeast quarter, and lots 1, 2, 3, and 4, and the east half of the west half, and the southeast quarter of section 31; section 32; section 33; section 34; the west half of section 35; the northeast quarter and the east half of the southeast quarter of section 36.

Township 1 south, range 12 west, Uintah meridian, Utah: Lots 1, 2, 3, and 4, and the south half of the south half of section 12; section 13; section 24; the northeast quarter, and the northwest quarter of the southeast quarter of section 25.

Township 2 south, range 10 west, Uintah meridian, Utah: Section 4, section 5; section 6; section 7; section 8; section 9.

Township 2 south, range 11 west, Uintah meridian, Utah: Lots 3 and 4 of section 2; lots 1, 2, 3, and 4, and the south half of the north half and the south half of section 3; lots 1, 2, 3, and 4, and the south half of the north half and the south half of section 4.

SEC. 7. This act is for the purpose of effecting partial settlement of the claims asserted by the Uintah and White River Bands of Ute Indians against the United States in Court of Claims case No. 47568 and shall not be construed as giving recognition to any rights or title of the Uintah, White River, or Uncompahgre Bands of Ute Indians except as provided for in this act.

With the following committee amendments:

Page 1, strike all of line 9 and insert the words "mineral and oil and gas resources of."

Page 2, line 2, following the words "in the" insert the words "United States in trust for the."

Page 2, strike all of lines 3 to 9 inclusive and insert in lieu thereof "and Ouray Reservation in Utah, subject to valid leases, loca-

tions, or other claims that are outstanding as of the effective date of this act and that are thereafter maintained in compliance with the laws under which they were initiated, and all rentals, royalties, or other payments."

Page 2, strike all of lines 16 to 22 inclusive and insert in lieu thereof "shall be subject to division between the fullblood and the mixed-blood groups, and shall be available for advance or expenditure, in accordance with the provisions of sections 10 and 11 of the act of August 27, 1954 (68 Stat. 868)."

Page 2, line 24, following the word "Utah," insert the words "acting by the tribal business committee representing the fullblood group, and the authorized representatives of the mixed-blood group (in accordance with section 10 of the act of August 27, 1954, 68 Stat. 868)."

Page 2, line 25, strike the word "subsurface."

Page 4, strike all of lines 4 to 9 inclusive and insert in lieu "or mining standards, for installation of mining equipment or machinery, building and maintaining roadways, free ingress and egress for mining and removal of subsurface resources to market, and the mining and removal of subsurface resources, including the sinking of shafts, driving tunnels or other standard mining methods, except that strip or hydraulic mining shall be permitted only if, and under conditions, approved by the Secretary of Agriculture."

Page 4, line 17, strike the word "subsurface" and insert the words "mineral and oil and gas."

Page 4, line 21, strike the word "subsurface" and insert the words "mineral and oil and gas."

Page 6, line 8, add the following sentence: "Upon the approval of this act, and pending acceptance or rejection of its provisions by the Indians as provided herein, the land described in section 6 shall be withdrawn from lease, location, entry or any form of disposition under the public land laws except disposition pursuant to valid leases, locations, or other claims that are outstanding as of the date of approval of this act and that are thereafter maintained in compliance with the laws under which they were initiated."

Page 6, line 16, strike the words "thirty-three" and insert "twenty-three."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## DEFINITION OF "NONFAT DRY MILK"

The Clerk called the bill (H. R. 5257) to amend the act entitled "An act to fix a reasonable definition and standard of identity of certain dry milk solids" (21 U. S. C., sec. 321c).

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOVRE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

## NEW YORK-NEW JERSEY AIR POLLUTION STUDY COMPACT

The Clerk called the resolution (H. J. Res. 511) granting the consent of Congress to the States of New York, New Jersey, and Connecticut to confer certain additional powers upon the Interstate Sanitation Commission, established by said States pursuant to Public Resolution 62, 74th Congress, August 27, 1935.

There being no objection, the Clerk read the resolution, as follows:

*Resolved, etc.*, That the consent of Congress is hereby given to the States of New York, New Jersey, and Connecticut to confer upon the Interstate Sanitation Commission, established by said States pursuant to authority given by Public Resolution 62, 74th Congress, August 27, 1935, the power to make studies of smoke and air pollutions within any or all of the territory served by said Commission, such studies to include surveys of the sources and extent of such pollution, property damage caused thereby, the effect upon public health and comfort and relevant meteorological, climatological, and topographical factors.

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That the act of August 27, 1935 (49 Stat. 932) is amended by striking out section 2 thereof and inserting the following new sections:

" 'SEC. 2. The further consent of Congress is given to the States of New York, New Jersey, and Connecticut to confer upon the Interstate Sanitation Commission, in accordance with chapter 286 of the Laws of the State of New York (1956); chapter 46 of the Laws of New Jersey (1955), as amended by chapter 23 (1956); and Public Act 27 of the Laws of Connecticut (1955); the power to make studies of smoke and air pollution within any and all of the territory served by the Commission. Such studies shall include surveys of the sources and extent of the pollution, property damage caused thereby, the effect upon public health and comfort, and relevant meteorological, climatological, and topographical factors.

" 'SEC. 3. The right to alter, amend or repeal this act, as amended, is hereby expressly waived'."

The committee amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## NEW YORK-NEW JERSEY AIR POLLUTION STUDY COMPACT

Mr. CUNNINGHAM. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. RAY] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. RAY. Mr. Speaker, the 15th District of New York, which I represent, includes Staten Island and the Bay Ridge part of Brooklyn. The westerly boundary of Staten Island is the New York-New Jersey Channel, and across that water are two New Jersey districts, the northerly one represented by Congressman HARRISON A. WILLIAMS, JR., and the southerly one by Congressman PETER FRELINGHUYSEN, JR.

In recent years, air pollution has become a very serious problem in many parts of the country. Congress recognized this last year by authorizing and providing funds for substantial research in the field to be conducted by or under the supervision of the Public Health Service. The areas on both sides of the New York-New Jersey Channel are heavily industrialized and are also rapidly growing as residential communities. Air pollution has become an especially acute problem in both areas.

For some time past, the authorities in the States of New York and New Jersey have been concerned about air pollution and have felt the need for a basic study of the causes and effects thereof. In each State, there are local authorities and State authorities having some jurisdiction with respect to local and intrastate phases of the problem, but it is clear that air pollution in the areas I have mentioned is really an interstate problem. There are other situations along the boundary between the two States where somewhat similar conditions exist.

By Public Resolution 62, 74th Congress, approved August 27, 1935, consent was given to the States of New York, New Jersey, and Connecticut to enter into the compact set forth in the resolution. That compact dealt with prevention and regulation of water pollution in designated waters and it authorized the three States to establish a commission called the Interstate Sanitation Commission. That commission was established promptly; it has an effective technical organization; and it has made a good record of efficiency and accomplishment.

Two of those States, New York and New Jersey, desire to have the Interstate Sanitation Commission make a preliminary basic study of that air pollution problem in the New York-New Jersey area and have appropriated funds for the purpose. Connecticut, the third party to the compact I have mentioned, is not concerned with the air pollution problems in the lower harbor but is willing that the commission be authorized to make such a study if Congress will assent to that degree of broadening of the specified jurisdiction of the Interstate Sanitation Commission which Connecticut considers to be presently limited to water pollution. All three States have enacted legislation for the purpose which is referred to in the resolution now before the House, House Joint Resolution 511.

Following enactment of the Connecticut statute last December and at the instance of the Joint Legislative Committee on Interstate Cooperation of New York State Legislature, I prepared and introduced House Joint Resolution 466, on January 6, 1956. Duplicate bills were introduced by Representatives FRELINGHUYSEN, THOMPSON, WILLIAMS, RODINO, and ADDONIZIO, all of New Jersey.

On January 31 last, a duplicate bill was also introduced in the Senate by Senators IVES and LEHMAN for New York and Senators SMITH and CASE for New Jersey. With that bill, Senator LEHMAN placed in the CONGRESSIONAL RECORD, pages 1648 and 1649, the statement of reasons for the passage of the resolution which had been prepared by the New York Legislative Committee I have mentioned.

Thereafter, the Governor of New York, through his counsel, and the Governor of

New Jersey, by personal letters, wrote to urge the adoption of that resolution. The letters are in the committee files.

Hearings were held by Subcommittee No. 3 of the Judiciary Committee on House Joint Resolution 466 and the other House resolutions above mentioned. The committee amended the opening statement and chose to refer out to the House House Joint Resolution 511 which had been introduced by Representative RODINO, a member of that committee.

The resolution now before the House, House Joint Resolution 511, is very simple. That resolution has great merit; it will not jeopardize any existing Federal jurisdiction; and it is very much in the interest of the States affected. I hope it will pass by unanimous vote.

## AMENDMENT OF EMPLOYMENT ACT OF 1946

The Clerk called the bill (H. R. 9764) to amend the Employment Act of 1946.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 3332, be considered in lieu of the House bill. I may say there is only a change in the time involved.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There being no objection, the Clerk read the Senate bill, as follows:

*Be it enacted, etc.*, That section 3 (a) of the Employment Act of 1946, as amended (relating to the time for filing the economic report of the President), is amended by striking out "at the beginning of each regular session (commencing with the year 1947)" and inserting in lieu thereof "not later than January 20 of each year."

SEC. 2. Section 5 (a) of such act and the heading thereof are each amended by striking out "Joint Committee on the Economic Report" and inserting in lieu thereof "Joint Economic Committee"; and any other statute in which the name "Joint Committee on the Economic Report" appears is amended to conform to the foregoing change in the name of the Joint Committee.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 9764) was laid on the table.

## AMENDMENT OF HAWAIIAN HOMES COMMISSION ACT

The Clerk called the bill (H. R. 7552) to amend sections 220 and 221 (d) of the Hawaiian Homes Commission Act, 1920.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 220, Hawaiian Homes Commission Act, 1920, as amended (42 Stat. 114, 48 U. S. C. 714), be further amended by adding a new paragraph thereto to read as follows:

"To enable the construction of irrigation projects which will service Hawaiian homelands, either exclusively or in conjunction with other lands served by such projects, the commission is authorized, with the approval of the governor, to grant to the Hawaiian Irrigation Authority, or to any other agency of the government of the Territory or the United States undertaking the construction and operation of such irrigation projects, for such term of years as is required for amortization of the costs of such projects, licenses for rights-of-way for pipelines, tunnels, ditches, flumes, and other water conveying facilities, reservoirs and other storage facilities, and for the development and use of water appurtenant to Hawaiian homelands; to exchange available lands for public lands, as provided in section 204 (4) of this act, for sites for reservoirs and subsurface water development wells and shafts; to request any such irrigation agency to organize irrigation projects for Hawaiian homelands and to transfer irrigation facilities constructed by the commission to any such irrigation agency; to agree to pay the tolls and assessments made against community pastures for irrigation water supplied to such pastures; and to agree to pay the costs of construction of projects constructed for Hawaiian homelands at the request of the commission, in the event the assessments paid by the homesteaders upon lands are not sufficient to pay such costs. Such payments shall be made from, and be a charge against the Hawaiian home-operating fund."

SEC. 2. Section 221 (d), Hawaiian Homes Commission Act, 1920 (42 Stat. 114, 48 U. S. C. 715 (d)), is hereby amended by deleting therefrom the words "Government-owned water upon the island of Molokai, and" appearing therein between the words "charge" and "Government-owned", and by deleting therefrom the words "any of the water upon the island of Molokai, and" appearing therein between the words "charge" and "any."

SEC. 3. Said section 221 (d), Hawaiian Homes Commission Act, 1920, is hereby further amended by adding a new paragraph thereto, to read as follows:

"Any funds which may be appropriated by Congress as a grant-in-aid for the construction of an irrigation and water utilization system on the island of Molokai designed to serve Hawaiian Homes Commission lands, and which are not required to be reimbursed to the Federal Government, shall be deemed to be payment in advance by the Hawaiian Homes Commission and lessees of the Hawaiian Homes Commission of charges to be made to them for the construction of such system and shall be credited against such charges when made."

SEC. 4. This act shall take effect upon its approval.

With the following committee amendments:

Page 2, lines 3 and 4, strike the words "for such term of years as is required for amortization of the costs of such projects."

Page 2, line 20, after the word "costs", change the period to a colon and add the following: "*Provided*, That licenses for rights-of-way for the purposes and in the manner specified in this section may be granted for a term of years longer than is required for amortization of the costs of the project or projects requiring use of such rights-of-way only if authority for such longer grant is approved by an Act of the Legislature of the Territory of Hawaii."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## SALE OF PUBLIC LANDS UNDER CERTAIN CIRCUMSTANCES WITHOUT PUBLIC AUCTION

The Clerk called the bill (H. R. 7887) to authorize the commissioner of public lands to sell public lands under certain circumstances without public auction.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 73 of the Hawaiian Organic Act, as amended, be further amended by adding a new subsection to read as follows:

"(r) Whenever any remnant of public land shall be disposed of, the commissioner of public lands shall first offer it to the abutting landowner for a period of three months at a reasonable price, to be determined by a disinterested appraiser or appraisers, but not more than three, to be appointed by the governor; and, if such owner fails to take the same, then such remnant may be sold at public auction: *Provided*, That if the remnant abuts more than one separate parcel of land and the owners of these separate parcels are all interested in purchasing said remnant, the remnant shall be sold to the owner making the highest offer above the appraised value.

"The term 'remnant' is defined as a parcel of land no larger than five thousand square feet in size in an urban area one and one-half acres in size in a suburban or rural area, and land locked or without access to any public highway."

SEC. 2. This act shall take effect on and after the date of its approval.

With the following committee amendments:

Page 1, line 9, following the word "price" insert the words ", in no event to be less than the fair market value of the land to be sold,."

Page 2, line 2, strike the word "auction:" and insert "auction at no less than the amount of the appraisal:."

Page 2, line 4, following the word "and", insert the words "more than one of."

Page 2, line 5, strike the word "all."

Page 2, strike all of lines 8 to 12, inclusive, and insert:

"The term 'remnant' shall mean a parcel of land landlocked or without access to any public highway, and, in the case of an urban area, no larger than five thousand square feet in size, or, in the case of a suburban or rural area, no larger than one and one-half acres in size."

Page 2, line 13, strike the words "and after."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## ST. ELIZABETHS HOSPITAL, DISTRICT OF COLUMBIA

The Clerk called the bill (H. R. 6332) to amend the act of October 11, 1949, to specify the fee which will be paid for services performed by United States commissioners with respect to the commitment of individuals to St. Elizabeths Hospital in the District of Columbia.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the act entitled "An act to provide for the detention, care, and treatment of persons of unsound mind in certain Federal reservations in Virginia and Maryland," approved April 11, 1949 (D. C. Code, title 32, secs. 32–417 to 32–417g), is amended by adding at the end thereof the following new section:

"SEC. 9. The compensation of a United States commissioner for all services rendered in connection with each proceeding under sections 1 and 2 of this act shall be $25 and shall be exclusive of any statutory limitation

or pay increases granted under Federal Employees Pay Acts and shall be payable from funds appropriated for the maintenance and operation of the United States courts."

With the following committee amendments:

On page 1, line 6, strike the word "April" and insert in lieu thereof the word "October."

On page 2, line 2, strike out "$25" and everything thereafter down to the word "Acts" on line 4 and insert in lieu thereof the following: "$15 but shall be subject to any statutory limitation relating to commissioners' compensation."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## DISPOSAL OF CERTAIN RESERVE MINERAL DEPOSITS

The Clerk called the bill (H. R. 6501) to amend the act of July 17, 1914, to permit the disposal of certain reserve mineral deposits under the mining laws of the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GAVIN. Reserving the right to object, Mr. Speaker, I wonder if the gentleman from Colorado can tell us what this bill is all about.

Mr. ASPINALL. I would say that the explanation which is given in the report is about as concise a statement as could be given. It is as follows:

If enacted, H. R. 6501 would amend a 1914 act of Congress so as to permit holders of valid and subsisting rights to certain mineral deposits acquired by discovery and location made under the mining laws of the United States prior to the date of February 25, 1920, to perfect the title thereto by obtaining patent to the mineral estate only. This would obviate the present requirement, impossible to meet in some cases, that holders of such claims, in order to obtain patents thereto, must first obtain the outstanding interest of the surface owner and thereafter reconvey the surface estate to the United States; a patent to the mining claim, including both mineral and surface estates is then issued to the mining claimant.

This provides for the multiple use of certain small areas of land in the West. There are only a very few of them. The bill was introduced at the request of a gentleman in California who had perfected his mining claim under the law previous to 1920 and found that he had to get the consent of the surface owner before he could get his patent, to which he was entitled under the law under which he founded his claim for the mineral rights. The surface owner would not cooperate with him, so he was left there holding a claim properly located and valid but unable to secure final title by patent. Under present conditions it is necessary for the locator to take care of the annual assessment work on claims in this category, yet he is denied the right to proceed to a patent. This bill would make it possible for a very few individuals in that category to come in and receive patent to the minerals, at the same time leaving in the surface owners the rights to which they already have a patent.

Mr. GAVIN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore (Mr. PRIEST). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

## TERRITORY OF HAWAII

The Clerk called the bill (H. R. 6024) to withdraw and restore to its previous status under the control of the Territory of Hawaii certain land at Kaakaukukui, Honolulu, Oahu, T. H.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That all of the following-described land, together with improvements located thereon, situate at Kaakaukukui, Honolulu, Oahu, T. H., which forms a part of the public lands ceded and transferred to the United States by the Republic of Hawaii under Joint Resolution No. 55 of July 7, 1898 (30 Stat. 750), is hereby restored to the possession, use, and control of the government of the Territory of Hawaii;

Beginning at the northwest corner of this parcel of land at a point on the harbor line, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Punchbowl" being 4,861.99 feet south and 6,392.17 feet west, and running by azimuths measured clockwise from true south:

(1) 309 degrees 00 minutes 214.10 feet along the remainder of submerged area transferred to the General Services Administration by the Secretary of the Army by letter dated November 12, 1949, as provided in the act of June 16, 1949 (Public Law No. 105, 81st Congress);

(2) 38 degrees 46 minutes 253.18 feet along the remainder of land transferred to the General Services Administration by the Secretary of the Army by letter dated November 12, 1949, as provided in the act of June 16, 1949 (Public Law No. 105, 81st Congress);

(3) Thence along the remainder of land transferred to the General Services Administration by the Secretary of the Army by letter dated November 12, 1949, as provided in the act of June 16, 1949 (Public Law No. 105, 81st Congress), on a curve to the left with a radius of 110 feet, the chord azimuth and distance being: 353 degrees 54 minutes 10 seconds 155.19 feet;

(4) 309 degrees 02 minutes 20 seconds 196.57 feet along the remainder of land transferred to the General Services Administration by the Secretary of the Army by letter dated November 12, 1949, as provided in the act of June 16, 1949 (Public Law No. 105, 81st Congress);

(5) Thence along the remainder of land transferred to the General Services Administration by the Secretary of the Army by letter dated November 12, 1949, as provided in the act of June 16, 1949 (Public Law No. 105, 81st Congress), on a curve to the left with a radius of 100 feet, the chord azimuth and distance being: 281 degrees 01 minutes 10 seconds 93.96 feet;

(6) 253 degrees 00 minutes 157.01 feet along the remainder of land transferred to the General Services Administration by the Secretary of the Army by letter dated November 12, 1949, as provided in the act of June 16, 1949 (Public Law No. 105, 81st Congress);

(7) 219 degrees 00 minutes 59.33 feet along the remainder of land transferred to the General Services Administration by the Secretary of the Army by letter dated November 12, 1949, as provided in the act of June 16, 1949 (Public Law No. 105, 81st Congress);

(8) 218 degrees 57 minutes 1,102.61 feet along the remainder of land transferred to the General Services Administration by the Secretary of the Army by letter dated November 12, 1949, as provided in the act of June 16, 1949 (Public Law No. 105, 81st Congress), and along remainder of land under the jurisdiction of the Secretary of the Army, portion of Presidential Executive Order No. 5487 and portion of land transferred to the War Department by the Secretary of Labor (by letter dated December 16, 1939);

(9) 309 degrees 00 minutes 224.49 feet along the remaining portion of immigration station lot;

(10) 264 degrees 25 minutes 161.35 feet along the remaining portion of immigration station lot;

(11) 174 degrees 25 minutes 17.53 feet along the remaining portion of immigration station lot;

(12) 264 degrees 25 minutes 132 feet along the remaining portion of immigration station lot, along land transferred to Department of Labor by the Secretary of War (by letter dated December 20, 1939);

(13) 354 degrees 25 minutes 185.08 feet along the west side of Ala Moana Road to concrete monument No. 2;

(14) 325 degrees 17 minutes 192.75 feet along the west side of Ala Moana Road to concrete monument No. 3;

(15) 52 degrees 23 minutes 329.02 feet along city and county sewer pumping station to concrete monument No. 4;

(16) 322 degrees 23 minutes 199.75 feet along city and county sewer pumping station to concrete monument No. 5;

(17) 52 degrees 23 minutes 797.92 feet along the remaining portion of the land of Kaakaukukui, L. C. Aw. 7712, Apana 6 to M. Kekuanaoa for V. Kamamalu (quitclaim deed, Hawaiian Government to the Bernice Pauahi Bishop estate, dated September 9, 1891, and recorded in liber 135, page 38), to concrete monument No. 6;

(18) 52 degrees 23 minutes 2,470.94 feet along the remaining portion of the land of Kaakaukukui, L. C. Aw. 7712, Apana 6 to M. Kekuanaoa for V. Kamamalu (quitclaim deed, Hawaiian Government to the Bernice Pauahi Bishop estate, dated September 9, 1891, and recorded in liber 135, page 38), over submerged area;

(19) 145 degrees 00 minutes 200.98 feet over submerged area;

(20) 189 degrees 25 minutes 1,206.87 feet over submerged area;

(21) 219 degrees 00 minutes 1,435.55 feet over submerged area and along the extension of the harbor line to the point of beginning and containing a total area of 69.90 acres, reserving, however, to the General Services Administration (United States Public Health Service), Corps of Engineers, and other departments and agencies having the use and control of areas set aside to the United States by Executive order, a nonexclusive right-of-way forty feet wide for vehicular and pedestrian traffic from the Ala Moana Road to said areas and from said areas to the Ala Moana Road.

SEC. 2. This act shall take effect upon the payment to the United States by the Territory of Hawaii of the fair appraised value, as of the date of approval of this act, of the buildings then remaining on the land described in section 1, such appraised value to be determined by three appraisers whose compensation shall be paid by the Territory of Hawaii and who shall be appointed, one by the Secretary of the Army, one by the Governor of Hawaii, and the third by the two appraisers so appointed.

With the following committee amendment:

Page 6, line 8, strike the word "Road." and insert the following: "Road, reserving also to

the United States the right to use approximately .10 acre of land in the northwest corner thereof now occupied by building known as No. 61 for so long as the present building remains on this property."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## GRANTING CERTAIN EASEMENTS TO CHINCOTEAGUE, VA.

The Clerk called the bill (H. R. 8552) to authorize the Secretary of Navy to grant to the town of Chincoteague, Va., permanent easements on certain lands for the purpose of taking subterranean water.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Navy is authorized to grant to the town of Chincoteague, Va., permanent easements over any portions of the United States Naval Air Station, United States Aviation Ordnance Test Station, Chincoteague, Accomack County, Va., for the construction, drilling, operation, and maintenance of water wells, together with such piping and pumping facilities, as may be necessary to permit the town of Chincoteague, Va., to take subterranean water from under such land for use for domestic and industrial purposes, and such easements shall be subject to such terms and conditions as the Secretary of the Navy deems necessary to protect the interests of the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## PREVENTION OF WATERFOWL DEPREDATIONS

The Clerk called the bill (H. R. 7641) to authorize the Secretary of the Interior to cooperate with Federal and non-Federal agencies in the prevention of waterfowl depredations, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to objection, I should like a brief explanation as to what this bill purports to do.

Mr. REUSS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman.

Mr. REUSS. This bill is designed to use surplus grains in the custody of the Commodity Credit Corporation which have deteriorated, for the purpose of preventing depredations to farmers' crops.

Mr. GROSS. This in no way changes the relationship between the Federal conservation officers and the State conservation officers as to the conservation and control of wildlife; does it?

Mr. REUSS. It in no way changes that relationship.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read as follows:

*Be it enacted, etc.*, That, for the purpose of preventing crop damage by migratory waterfowl and at the same time of avoiding the depletion of our waterfowl resources by allowing shooting over baited waters in violation of the Federal regulation banning the shooting of waterfowl lured to or over the shooting area by bait, the Commodity Credit Corporation shall make available to the Secretary of the Interior such wheat, acquired through the price support operations and certified by the Commodity Credit Corporation to be in such condition through spoilage or deterioration as not to be desirable for human consumption, as the Secretary of the Interior shall requisition pursuant to section 2 hereof. With respect to wheat thus made available, the Commodity Credit Corporation may pay packaging, transporting, handling, and other charges up to the time of delivery to one or more designated locations in each State.

SEC. 2. Upon a finding by the Secretary of the Interior that any area in the United States is threatened with damage to farmers' crops by migratory waterfowl, whether or not during the open season for such migratory waterfowl, the Secretary of the Interior is hereby authorized and directed to requisition from the Commodity Credit Corporation and to make available to Federal, State, or local governmental bodies or officials, or to private organizations or persons, such wheat acquired by the Commodity Credit Corporation through price support operations in such quantities and subject to such regulations as the Secretary determines will most effectively lure migratory waterfowl away from crop depredations and at the same time not expose such migratory waterfowl to shooting over areas to which the waterfowl have been lured by such feeding program.

SEC. 3. With respect to all wheat made available pursuant to section 2, the Commodity Credit Corporation shall be reimbursed by the Secretary of the Interior for the acquisition cost of the wheat to the Commodity Credit Corporation or the current support price (whichever is lower), plus the costs of any packaging, transporting, or handling required for delivery of the wheat pursuant to section 2 which the Commodity Credit Corporation determines to be in excess of the normal costs incurred in moving such agricultural commodity into normal commercial channels, and less an allowance determined by the Secretary of the Interior to be appropriate to cover the deterioration of the wheat. Expenditures authorized by this act may be made by the Commodity Credit Corporation in advance of appropriations and shall be entered on the books of the Corporation as accounts receivable.

SEC. 4. There are hereby authorized to be appropriated, from any moneys in the Treasury not otherwise appropriated, such sums as are required for the purposes of this act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That (a) for the purpose of preventing crop damage by migratory waterfowl, the Commodity Credit Corporation shall make available to the Secretary of the Interior such wheat, corn, and other grains, acquired through price-support operations and certified by the Commodity Credit Corporation to be available for the purposes of this section or in such condition through spoilage or deterioration as not to be desirable for human consumption, as the Secretary of the Interior shall requisition pursuant to subsection (b) of this section. With respect to any grain thus made available, the Commodity Credit Corporation may pay packaging, transporting, handling, and other charges up to the time of delivery to one or more designated locations in each State.

"(b) Upon a finding by the Secretary of the Interior that any area in the United States is threatened with damage to farmers' crops by migratory waterfowl, whether or not during the open season for such migratory waterfowl, the Secretary of the Interior is hereby authorized and directed to requisition from the Commodity Credit Corporation and to make available to Federal, State, or local governmental bodies or officials, or to private organizations or persons, such grain acquired by the Commodity Credit Corporation through price-support operations in such quantities and subject to such regulations as the Secretary determines will most effectively lure migratory waterfowl away from crop depredations and at the same time not expose such migratory waterfowl to shooting over areas to which the waterfowl have been lured by such feeding program.

"(c) With respect to all grain made available pursuant to subsection (b) of this section, the Commodity Credit Corporation shall be reimbursed by the Secretary of the Interior for its expenses in packaging and transporting such grain for the purposes of this section. There are hereby authorized to be appropriated such sums as may be necessary to reimburse the Commodity Credit Corporation for its investment in the grain transferred pursuant to this section."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## AMENDING SECTION 403 (b) OF THE CIVIL AERONAUTICS ACT OF 1938

The Clerk called the bill (H. R. 9592) to amend section 403 (b) of the Civil Aeronautics Act of 1938 so as to permit air carriers and foreign air carriers, subject to certain conditions, to grant reduced-rate transportation to ministers of religion.

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

## RELATING TO THE DISTRICT COURT OF GUAM

The Clerk called the bill (H. R. 10630) relating to the District Court of Guam.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the second sentence of subsection (a) of section 22 of the Organic Act of Guam (64 Stat. 384, 389; 48 U. S. C. 1424) is amended to read as follows: "The District Court of Guam shall have the jurisdiction of a district court of the United States in all causes arising under the Constitution, treaties, and laws of the United States, regardless of the sum or value of the matter in controversy, shall have original jurisdiction in all other causes in Guam, ju-

risdiction over which has not been transferred by the legislature to other court or courts established by it, and shall have such appellate jurisdiction as the legislature may determine."

SEC. 2. Section 22 of the Organic Act of Guam (64 Stat. 384, 389; 48 U. S. C. 1424) is futher amended by inserting at the end of subsection (a) thereof the following additional paragraph:

"Appeals to the District Court of Guam shall be heard and determined by an appellate division of the court consisting of three judges, of whom two shall constitute a quorum The judge appointed for the court by the President shall be the presiding judge of the appellate division and shall preside therein unless disqualified or otherwise unable to act. The other judges who are to sit in the appellate division at any session shall be designated by the presiding judge from among the judges assigned to the court from time to time pursuant to section 24 (a) of this act. The concurrence of two judges shall be necessary to any decision by the District Court of Guam on the merits of an appeal but the presiding judge alone may make any appropriate orders with respect to an appeal prior to the hearing and determination thereof on the merits and may dismiss an appeal for want of jurisdiction or failure to take or prosecute it in accordance with the applicable law or rules of procedure."

SEC. 3. Subsection (a) of section 24 of the Organic Act of Guam (64 Stat. 384, 390; 48 U. S. C. 1424b), as amended, is further amended as follows:

"(a) The President shall, by and with the advice and consent of the Senate, appoint a judge for the District Court of Guam who shall hold office for the term of 8 years and until his successor is chosen and qualified unless sooner removed by the President for cause. The judge shall receive a salary payable by the United States which shall be at the rate prescribed for judges of the United States district courts.

"The Chief Judge of the Ninth Judicial Circuit of the United States may assign a judge of the Island Court of Guam or a judge of the High Court of the Trust Territory of the Pacific Islands or a circuit or district judge of the ninth circuit, or the Chief Justice of the United States may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit, to serve temporarily as a judge in the District Court of Guam whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the court."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## RENTAL OF INADEQUATE QUARTERS

Mr. VINSON. Mr. Speaker, I ask unanimous consent that the bill (H. R. 5731) to permit members of the Army, Navy, Air Force, Marine Corps, Coast Guard and Geodetic Survey, and Public Health Service, and their dependents, to occupy inadequate quarters on a rental basis without loss of basic allowance for quarters, the next bill on the Calendar, be stricken from the Calendar since it involves a larger amount of money than the rules covering bills on the Consent Calendar permit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

## TO ASSIST MENOMINEE TRIBE OF INDIANS TO PREPARE FOR THE TERMINATION OF FEDERAL SUPERVISION

The Clerk called the bill (H. R. 6218) to authorize payment by the Federal Government of the cost of making certain studies necessary to assist the Menominee Tribe of Indians to prepare for the termination of Federal supervision.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the last sentence of section 6 of the act entitled "An act to provide for a per capita distribution of Menominee tribal funds and authorize the withdrawal of the Menominee Tribe from Federal jurisdiction," approved June 17, 1954 (68 Stat. 250), is amended to read as follows: "There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as the Secretary shall deem necessary to carry out the purposes of this section."

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That the last sentence of section 6 of the act entitled 'An act to provide for a per capita distribution of Menominee tribal funds and authorize the withdrawal of the Menominee Tribe from Federal jurisdiction,' approved June 17, 1954 (68 Stat. 250), is amended by changing the period at the end thereof to a comma and by adding 'and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as the Secretary shall deem necessary to reimburse the tribe for the expenditure of tribal funds pursuant to this section, or for any other expenditure of tribal funds approved by the Secretary for the purpose of carrying out the purposes of this act.'."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## PROVIDING FOR DISPOSITION OF A PORTION OF SHARPE GENERAL DEPOT, STOCKTON ANNEX, CALIF.

The Clerk called the bill (H. R. 9970) to provide for the disposition of a portion of Sharpe General Depot, Stockton Annex, Calif.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Army is authorized to convey on or before January 1, 1957, by quitclaim deed to the Stockton Port District that portion of real property under his jurisdiction located at the Stockton Annex, Sharpe General Depot, Calif., consisting of approximately $96^{85}/_{100}$ acres and $2^{3}/_{10}$ acres of easement together with all appurtenances pertaining thereto and all improvements located thereon.

SEC. 2. The Secretary of the Air Force is authorized to convey on or before January 1, 1957, by quitclaim deed to the Stockton Port District that portion of real property under his jurisdiction located at the Stockton Annex, Sharpe General Depot, Calif., consisting of approximately one hun- Calif., consisting of approximately $138^{56}/_{100}$ acres together with all appurtenances pertaining thereto and all improvements located thereon.

SEC. 3. The conveyances herein authorized shall be made a monetary consideration determined by the Secretary of the Army and the Secretary of the Air Force, respectively, to represent the fair market value of the property to be conveyed and shall be made upon such terms and conditions and shall include such reservations as the respective Secretary shall determine to be in the public interest.

With the following committee amendments:

Page 1, lines 8 and 9, strike "and $2^{3}/_{10}$ acres of easement."

Page 2, line 3, strike the word "Annex" and insert in lieu thereof the words "Air Force Station."

Page 2, line 5, following the word "acres", insert "and $2^{3}/_{10}$ acres of easement."

Page 2, strike section 3 and insert in lieu thereof the following:

"SEC. 3. The conveyances herein authorized shall be made at the fair market value of the property as determined by the Secretary of the Army, and shall be made upon such terms and conditions and shall include such reservations as the respective Secretary shall determine to be in the public interest."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to provide for the disposition of the Stockton Air Force Station and the Stockton Annex, Sharpe General Depot, Calif.

A motion to reconsider was laid on the table.

## AUTHORIZING SECRETARY OF THE INTERIOR TO DISPOSE OF CERTAIN LANDS IN THE STATE OF MONTANA TO THE PHILLIPS COUNTY POST OF THE AMERICAN LEGION

The Clerk called the bill (S. 1053) to authorize the Secretary of the Interior to dispose of certain lands in the State of Montana to the Phillips County Post of the American Legion.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That, notwithstanding any other provision of law, the Secretary of the Interior may dispose of the southwest quarter southeast quarter and the east half southeast quarter southwest quarter of section 35, township 32 north, range 32 east, Montana principal meridian, comprising 60 acres, to Phillips County Post, No. 57, of the American Legion, Department of Montana, under the provisions of the Recreation Act of June 14, 1926, as amended by the act of June 4, 1954 (68 Stat. 173).

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## FORT CLATSOP, OREG., A NATIONAL MONUMENT

The Clerk called the bill (S. 2498) to provide that the Secretary of the Interior shall investigate and report to the Congress as to the advisability of establishing

Fort Clatsop, Oreg., as a national monument.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, I wonder if there is a member of the committee present who is familiar with this bill. The reason I ask that is not that I have any particular objection to this investigation, but there is an aspect of this that I think raises a question. My understanding is that the Historic Sites Buildings and Antiquities Act of 1935 provides for the Department of the Interior to make investigations of various sites that might be desirable to establish as national monuments. My understanding is that the Department has no objection to making the investigation and intends to make the investigation of this particular proposition. What I wondered about is why we should have the expense of going through the process of passing a bill directing the Department to make a specific investigation. I imagine this particular bill went through at least two or three printings in the Senate; a committee report; the time of a Senate committee was taken up, and then we have two more printings here and the preparation and printing of the report of the House committee, all merely for the purpose of suggesting that the Department do something which it should do anyway and which it says it will do. I am wondering why that expense to the taxpayers is incurred.

Mr. ENGLE. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield

Mr. ENGLE. This is a Senate bill, and inasmuch as we had the bill before us, rather than let it be delayed we just pushed on. It originated on the other side. There is no harm in passing it, because the expense has been incurred already.

Mr. BYRNES of Wisconsin. The Secretary has the discretion to make the investigation.

Mr. ENGLE. But this bill tells him to do it.

Mr. BYRNES of Wisconsin. I do not know who the author of the bill is, but he could have gotten the information by simply writing a letter to the Department and they would have advised him whether they thought it was the necessary and proper thing for them to investigate, without coming to the Congress. Does not the gentleman agree?

Mr. ENGLE. Yes, but perhaps the author would think that this bill would put a little fire under the Secretary that was not there before.

Mr. BYRNES of Wisconsin. I would hate to estimate the cost of putting that fire under the Secretary. It certainly is a pretty costly fire, and I would venture to say an unnecessary fire. The horrible part of it all is that the taxpayers are the ones who have to foot the bill.

The point I wish to make, Mr. Speaker, is that this bill is an example of useless, unnecessary waste of the people's money.

I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior is authorized and directed to make a full and complete investigation of the advisability of establishing Fort Clatsop, located in Clatsop County, Oreg., as a national monument.

SEC. 2. As soon as practicable after the date of the enactment of this act, the Secretary of the Interior shall report to the Congress the results of such investigation and study made by him under the first section of this act, together with such recommendations as he deems appropriate. Such report shall contain specific findings with respect to (1) the national historical importance of the proposed memorial, (2) the size, present status and condition of Fort Clatsop, and (3) the estimated total cost of establishing such memorial.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## PINE RIDGE SIOUX TRIBE OF INDIANS

The Clerk call the bill (H. R. 5838) to provide that payments be made to certain members of the Pine Ridge Sioux Tribe of Indians as reimbursement for damages suffered as the result of the establishment of the Pine Ridge aerial gunnery range, and to provide a rehabilitation program for the Pine Ridge Sioux Tribe of Indians.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

## PLAN FOR CONTROL OF PROPERTY OF MENOMINEE INDIAN TRIBE

The Clerk called the bill (H. R. 9280) to provide for the formulation of a plan for control of the property of the Menominee Indian Tribe, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, I would like to make an inquiry or two concerning this legislation, inasmuch as the information I have available indicates that the Department of the Interior is opposed to enactment, and that the Bureau of the Budget concurs in the recommendation.

Mr. REUSS. Mr. Speaker, will the gentleman yield?

Mr. FORD. I yield.

Mr. REUSS. I am the author of this bill. I can readily understand how the gentleman from Michigan [Mr. FORD], might have come to that conclusion by a quick reading of the report. I think, however, my explanation of what happened will set the gentleman's mind at ease. The original report of the Department of the Interior, dated February 24, 1956, which is contained in report No. 2246, did, indeed, as the gentleman has suggested, oppose the bill in its condition at that time. Thereupon an amended bill was introduced containing additional language. That amended bill, which bore the number H. R. 10634, was referred to the Department of the Interior. On May 3, 1956, the Department of the Interior wrote a report on the amended language contained in H. R. 10634. That letter of May 3 is contained on pages 6 to 8 of the report No. 2246. In that May 3 report the Department said that if two amendments were made in the language of H. R. 10634 there would be no objection on the part of the Department of the Interior.

Those amendments in the exact language formulated by the Department of the Interior were made and then that total language was substituted for the original bill to which the Department of the Interior had objected. Therefore it can truly be said that the objections made by the Department of the Interior have been met in the bill, as amended, which is now before this House.

Mr. FORD. In other words it would appear to me that what we really have before us is H. R. 10634, as amended.

Mr. REUSS. That is correct; the gentleman from Michigan states that accurately. The Committee on Interior and Insular Affairs preferred to use the original number and substitute for the language of H. R. 9280 the language of H. R. 10634, as amended, to meet the requirements of the Department of the Interior.

Mr. LAIRD. Mr. Speaker, will the gentleman yield?

Mr. FORD. I yield.

Mr. LAIRD. The Menominee Indian Reservation is located in my congressional district, and I would just like to state that this bill H. R. 9280 has been amended in line with the recommendations of the Department of the Interior, of the Menominee Indian Tribe, and of the Menominee Indian Study Committee which was created by action of the Wisconsin Legislature in 1955.

I think that the gentleman from Michigan on close examination of the bill will find that everything following the enacting clause of H. R. 9280 has been stricken, and in lieu thereof there has been inserted the amendments suggested by the Department of the Interior and the Wisconsin Menominee Indian Study Committee.

I do agree with the distinguished gentleman from Michigan [Mr. FORD], that the title of the bill is somewhat misleading. The title was not amended by the committee and if the gentleman has no objection I think it should be changed. The title presently reads: "A bill to provide for the formulation of a plan." This bill does not provide for the formulation of any plan; that was provided for under Public Law No. 399 passed by the 83d Congress. This bill merely relates to the plan which the Menominee Indian Tribe is required to formulate by Public Law 399. If there is

no objection I would like to suggest a change in the title to read: "Relating to the formulation of the plan for control of the property of the Menominee Indian Tribe."

This bill as amended by the committee merely provides that the plan formulated by the Minominee Indian Tribe, as provided in Public Law 399 of the 83d Congress, will be submitted to the Secretary of the Interior by December 31, 1957. It further provides that the Minominee Indians must include in their plan of control and operation provisions for sustained yield management of the tribal forest.

The tribal representatives have testified that no hardship will be involved by requiring submission of their plan of operation on or before December 31, 1957. The Minominee Indian Tribe and the Wisconsin State Study Committee are also on record favoring sustained yield management of the tribal forests.

I do want to call attention to the House that in agreeing to this bill today we cannot assume that the December 31, 1958, termination date for Federal supervision of the Minominee Indian Reservation can be met. It is possible that after the important studies underway in Wisconsin are completed further amendments to Public Law 399 of the 83d Congress will be most necessary.

Mr. FORD. I appreciate the statements made by the gentlemen from Wisconsin. They have straightened out the situation so that the history of this legislation is understandable.

I have no objection to the consideration of the bill and I certainly have no objection to the amendment of the title if that is desired by the gentleman from Wisconsin [Mr. LAIRD].

Mr. REUSS. Mr. Speaker, will the gentleman yield?

Mr. FORD. I yield.

Mr. REUSS. I am sure there is no objection on my part to the proposed minor change in the title of the bill just suggested by the gentleman from Wisconsin [Mr. LAIRD].

Mr. FORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 6 of the act entitled "An act to provide for a per capita distribution of the Menominee tribal funds and authorize the withdrawal of the Menominee Tribe from Federal jurisdiction." approved June 17, 1954 (Public Law 399, 83d Cong.), is amended by striking out the last sentence thereof and inserting in lieu thereof the following: "There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as the Secretary shall require in order to compensate such specialists and otherwise assist the tribe in preparing such studies and reports."

SEC. 2. Section 7 of such act of June 17, 1954, is amended to read as follows:

"SEC. 7. The tribe shall as soon as possible formulate and submit to the Secretary a plan for the future control of the tribal property and service functions now conducted by or under the supervision of the United States, including, but not limited to, services in the field of health, education, welfare, credit, roads, and law and order, and for all other matters involved in the proposed ultimate withdrawal of Federal supervision. The Secretary is authorized to provide such reasonable assistance as may be requested by officials of the tribe in the formulation of the plan heretofore referred to including necessary consultations with representatives of Federal departments and agencies, officials of the State of Wisconsin and political subdivisions thereof, and members of the tribe: *Provided,* That the responsibility of the United States to furnish all such supervision and services to the tribe and to the members thereof, because of their status as Indians, shall cease on December 31, 1958, or on such earlier date as may be agreed upon by the tribe and the Secretary. The plan shall contain provision for a viable economy for the tribe, for a method of compensating enrolled members of the tribe who may wish to sell or otherwise dispose of their beneficial interests in the tribal property, and for the preservation forever of the tribal assets of forest (on a sustained yield basis), water, soil, and fish and wildlife. To the extent necessary, the plan shall provide for such terms of transfer pursuant to section 8 of this act, by trust or otherwise, as shall insure the continued fulfillment of the plan. The Secretary, after approving the plan and after securing the approval of the plan by the Governor of Wisconsin, shall cause the plan to be published in the Federal Register."

SEC. 3. Section 8 of such act of June 17, 1954, is amended to read as follows:

"SEC. 8. The Secretary is hereby authorized and directed to transfer to the tribe, immediately following the date of publication in the Federal Register of the plan formulated pursuant to section 7 of this act, the title to all property, real and personal held in trust by the United States for the tribe: *Provided, however,* That if the tribe obtains a charter for a corporation or otherwise organizes under the laws of a State or of the District of Columbia for the purpose, among any others, of taking title to all tribal lands and assets and enterprises owned by the tribe or held in trust by the United States for the tribe, and requests such transfer to be made to such corporation or organization, the Secretary shall make such transfer to such corporation or organization. The Secretary is also authorized and directed to transfer to the tribe, or to a legal entity organized by the tribe, clear and unrestricted title to all buildings and roads equipment utilized on the Menominee Reservation in all cases where there is any uncertainty respecting ownership by the tribe."

With the following committee amendment:

Strike all after the enacting clause and insert the following language: "That section 7 of the act entitled 'An act to provide for a per capita distribution of Menominee tribal funds and authorize the withdrawal of the Menominee Tribe from Federal jurisdiction,' approved June 17, 1954 (68 Stat. 250), is amended to read as follows:

"'SEC. 7. The tribe shall as soon as possible and in no event later than December 31, 1957, formulate and submit to the Secretary a plan for the future control of the tribal property and service functions now conducted by or under the supervision of the United States, including, but not limited to, services in the fields of health, education, welfare, credit, roads, and law and order, and for all other matters involved in the withdrawal of Federal supervision. The Secretary is authorized to provide such reasonable assistance as may be requested by officials of the tribe in the formulation of the plan heretofore referred to, including necessary consultations with representatives of Federal departments and agencies, officials of the State of Wisconsin and political subdivisions thereof, and members of the tribe: *Provided,* That the responsibility of the United States to furnish all such supervision and services to the tribe and to the members thereof, because of their status as Indians, shall cease on December 31, 1958, or on such earlier date as may be agreed upon by the tribe and the Secretary. The plan shall contain provision for protection of the forest on a sustained yield basis, and for the protection of the water, soil, fish and wildlife. To the extent necessary, the plan shall provide for such terms of transfer pursuant to section 8 of this act, by trust or otherwise, as shall insure the continued fulfillment of the plan. The Secretary after approving the plan, shall cause the plan to be published in the Federal Register. The sustained yield management requirement contained in this act shall not be construed by any court to impose a financial liability on the United States.'"

SEC. 2. Section 8 of such act of June 17, 1954, is amended to read as follows:

"'SEC. 8. The Secretary is hereby authorized and directed to transfer to the tribe, on December 31, 1958, or on such earlier date as may be agreed upon by the tribe and the Secretary, the title to all property, real and personal, held in trust by the United States for the tribe: *Provided, however,* That if the tribe obtains a charter for a corporation or otherwise organizes under the laws of a State or of the District of Columbia for the purpose, among any others, of taking title to all tribal lands and assets and enterprises owned by the tribe or held in trust by the United States for the tribe, and requests such transfer to be made to such corporation or organization, the Secretary shall make such transfer to such corporation or organization. The Secretary is authorized, in his discretion, to transfer to the tribe or any member or group of members thereof any federally owned property acquired, withdrawn, or used for the administration of the affairs of the tribe which he deems necessary for Indian use, or to transfer to a public or nonprofit body any such property which he deems necessary for public use and from which members of the tribe will derive benefits'."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third, was read the third time, and passed.

Mr. LAIRD. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Amendment offered by Mr. LAIRD: Amend the title of the bill to read: "Relating to the formulation of a plan for control of the property of the Menominee Indian Tribe and for other purposes."

The amendment was agreed to.

A motion to reconsider was laid on the table.

## TULALIP RESERVATION, WASH.

The Clerk called the bill (H. R. 11456) to authorize the partition or sale of inherited interests in allotted lands in the Tulalip Reservation, Wash., and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. METCALF. Mr. Speaker, reserving the right to object, I want to make a statement as a member of the committee. I voted for this bill only because of the urgency that has been demonstrated. I want to call the attention of the House to the fact that this permits a complete termination of Federal guardianship over Indian property.

Under the complex heirship situation there may be many Indians who have an

interest in a piece of property. Some may be illiterate, many will not have been adjudged competent. Yet any single one of these coowners, under the provisions of this bill, can force all the others into court, have the property sold, and require all the owners to accept the proportionate share of whatever the property brings at an auction sale. Rights that the Indians enjoy such as exemption from taxation would be cut off. In many cases service would be by publication and Indian coowners who are incompetent to handle their own affairs by definition would be served by publication and no one appointed to represent them.

Many Indians who are illiterate, who are incompetent, under such legislation as this could have their property taken away from them. If it were not for the urgency of the bill and the fact that this particular tribe of Indians, as stated in the report, is competent and the Indians themselves are competent to administer their property, I would feel it necessary to object.

I do not want this body, Mr. Speaker, to feel this bill sets a precedent for further termination or the proper means of disposing of the Indian heirship problem. It is better to handle these matters under comprehensive legislation such as many of us have pending in the Committee on Indian Affairs.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ENGLE. Mr. Speaker, I ask unanimous consent that the bill, S. 3920, an identical bill to the House bill, be considered in lieu of H. R. 11456.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. ENGLE]?

There being no objection, the Clerk read the Senate bill, as follows:

*Be it enacted, etc.,* That any owner of an interest in any tract of land in the Tulalip Reservation, Wash., in which any undivided interest is now or hereafter held in trust by the United States for an Indian, or is now or hereafter owned by an Indian subject to restrictions against alienation or taxation imposed by the United States, may commence in a State court of competent jurisdiction an action for the partition in kind or for the sale of such land in accordance with the laws of the State. For the purpose of any such action the Indian owners shall be regarded as vested with an unrestricted fee simple title to the land, the United States shall not be a necessary party to the proceeding, and any partition or conveyance of the land pursuant to the proceedings shall divest the United States of title to the land, terminate the Federal trust, and terminate all restrictions against alienation or taxation of the land imposed by the United States.

SEC. 2. Notwithstanding the provisions of the constitution and charter of the Tulalip Tribes of the Tulalip Reservation, any lands that are held by the United States in trust for the Tulalip Tribes, or that are subject to a restriction against alienation or taxation imposed by the United States, or that are hereafter acquired by the Tulalip Tribes, may be sold by the Tulalip Board of Directors, with the consent of the Secretary of the Interior, on such terms and conditions as the Tulalip Board of Directors may prescribe, and such sale shall terminate the Federal trust or restrictions against alienation of taxation of the land: *Provided,* That the proceeds from the sale of any tribal lands acquired otherwise than by purchase shall be deposited in the Treasury of the United States to the credit of the Tulalip Tribes and shall not be expended until otherwise specifically provided by Congress.

The bill was ordered to be read a third time, was read the third time, and passed.

A similar House bill (H. R. 11456) was laid on the table.

A motion to reconsider was laid on the table.

## ROSEBURG, OREG.

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 8123) authorizing the Administrator of General Services to convey certain property of the United States to the city of Roseburg, Oreg., with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 3, strike out "section 2 of this act" and insert "such reservations and restrictions as may be necessary to protect the interests of the United States."

Page 2, strike out all of section 2.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

## PRIVATE CALENDAR

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that the call of bills on the Private Calendar be dispensed with at this time due to the fact that the committee did not receive reports from the Government Printing Office in time to consider such reports.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. FORD. Mr. Speaker, reserving the right to object, I can understand the committee's problem in that regard, but I wonder if it would not be possible to put the Private Calendar over for a period less than the full 2-week period inasmuch as we are getting toward the end of the session? There are some bills on this calendar which might get lost in the last minute rush lest we get them from here over to the other side of the Capitol.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. McCORMACK. Mr. Speaker, the gentleman from Michigan and the gentleman from Alabama and I had a brief conference on the floor in relation to the inquiry made by my friend from Michigan. I told both of my colleagues that I would ask unanimous consent that it be in order to call the Private Calendar on Monday next. The gentleman's request is a very fair one, to which I responded favorably immediately. The position of the gentleman from Alabama is absolutely correct. I do not know what caused the delay. The Public Printer has been very cooperative. They have done a remarkable job throughout the years, and I am sure there will be no more delays in the future in connection with reports being printed in adequate time for the objectors committee to consider them, as it is their duty to do so. The objectors committee on both the Consent Calendar and the Private Calendar perform an outstanding task for the House. It is work that they assume over and above their work to their districts and their committee work, and it is very burdensome. I want each and every Member of the objectors committee on the Consent Calendar and the Private Calendar to know that the leadership on both sides profoundly appreciate the work that they are doing, which is really beyond their line of duty.

Consequently, Mr. Speaker, I ask unanimous consent that it be in order for the Private Calendar to be called on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## CLAIMS OF VATICAN CITY FOR LOSSES AND DAMAGES CAUSED BY UNITED STATES ARMED FORCES DURING WORLD WAR II

Mr. GORDON. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 10766) to authorize the payment of compensation for certain losses and damages caused by United States Armed Forces during World War II.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized to pay the sum of $964,199.35 to the Vatican City in full and final settlement and discharge of all claims of the Vatican City for losses and damages caused by United States Armed Forces in the Papal Domain Castel Gandolfo during the course of hostilities conducted by such forces against German armed forces in Italy in 1944.

SEC. 2. There is hereby authorized to be appropriated the sum of $964,199.35 to carry out the purposes of this act.

The SPEAKER. Is a second demanded?

Mr. MORANO. Mr. Speaker, I am not opposed to the bill, but in order to get a hearing, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. GORDON. Mr. Speaker, H. R. 10766, to authorize the payment of compensation for certain losses and damages caused by United States Armed Forces during World War II, is a measure which I hope will receive the unanimous support of this House. Its purpose is to compensate the Vatican for losses and damages caused by United States Armed Forces during World War II. During the course of attacks by United States planes on military targets near the Papal Domain Castel Gandolfo, the papal domain was accidentally damaged on four different occasions—on February 2, February 10, May 31, and June 4, 1944. The original claim made by the Vatican for the damage was in the amount of

$1,525,810.98. The Foreign Affairs Committee has reduced this amount to $964,199.35. This reduced amount is the exact amount which the United States Army Claims Service considers a reasonable assessment.

Mr. Speaker, I believe that this bill is an eminently fair and just one and constitutes an action in keeping with our American tradition of equity and justice. As evidence of the bipartisan support which this bill has, I would like to point out that this bill was introduced by the distinguished majority leader of the House, the Honorable JOHN W. MCCORMACK, and an identical bill, H. R. 10767, was introduced by the distinguished minority leader, the Honorable JOSEPH W. MARTIN.

The amount in this bill is small, but the good will involved in it is large. It deserves our wholehearted support.

Mr. Speaker, I yield 5 minutes to the distinguished majority leader, the gentleman from Massachusetts [Mr. MCCORMACK].

Mr. MCCORMACK. Mr. Speaker, the pending bill, H. R. 10766, is a deserving measure and one that should pass both branches of the Congress and be signed by the President. A similar bill, H. R. 10767, was also introduced by my distinguished friend from Massachusetts [Mr. MARTIN], the minority leader. So, this bill should properly be known as the McCormack-Martin bill.

The report of the House Committee on Foreign Affairs clearly presents the justification for the passage of this bill. Former Speaker MARTIN and I received a memorandum from the State Department, which is as follows:

WAR DAMAGE TO PAPAL DOMAIN CASTEL GANDOLFO

In a letter of July 10, 1943, President Roosevelt wrote to Pope Pius XII as follows:

"By the time this message reaches your Holiness a landing in force by American and British troops will have taken place on Italian soil. Our soldiers have come to rid Italy of fascism and all its unhappy symbols, and to drive out the Nazi oppressors who are infesting her soil.

"There is no need for me to reaffirm that respect for religious beliefs and for the free exercise of religious worship is fundamental to our ideas. Churches and religious institutions will, to the extent that it is within our power, be spared the devastations of war during the struggle ahead. Throughout the period of operations the neutral status of Vatican City as well as the Papal domains throughout Italy will be respected.

"I look forward, as does Your Holiness, to that bright day when the peace of God returns to the world. We are convinced that this will occur only when the forces of evil which now hold vast areas of Europe and Asia enslaved have been utterly destroyed. On that day we will joyfully turn our energies from the grim duties of war to the fruitful tasks of reconstruction. In common with all other nations and forces imbued with the spirit of good will toward men, and with the help of Almighty God, we will turn our hearts and our minds to the exacting task of building a just and enduring peace on earth."

On February 2 and 10, May 31, and June 4, 1944, the Papal Domain Castel Gandolfo was hit by bombs dropped by United States planes incidental to an attack upon legitimate military targets in close proximity thereto.

A property damage claim for $1,523,810.98 was presented by the Vatican City authorities on December 10, 1948. According to a survey by the United States Army Claims Service, a fair and reasonable assessment of the property damage, based upon the costs of labor and materials for April 1945 is $964,199.35. It is understood that the principal reason for the difference between the Vatican figure and the Army figure is that the latter does not take account of the cultural and artistic value of the destroyed or damaged property.

The Vatican City authorities were subsequently informally informed that since the papal domains were not territory of a neutral state but had the status of a neutral diplomatic mission located in the territory of a belligerent (just as, for example, the Swiss Embassy in Berlin), there exists no legal basis on which to recommend to the Congress the payment of the claim.

It is believed that any payment to the Vatican City should be made as a matter of grace so that it cannot be regarded as a precedent.

The message that the late President Roosevelt sent to Pope Pius XII, particularly in looking "to that bright day when the peace of God returns to the world," is just as applicable today as it was when sent by the late Franklin D. Roosevelt to His Holiness, Pope Pius XII, on July 10, 1943.

The enactment into law of this bill will carry out a moral obligation on the part of our Government. It is also an act which brings about a feeling of understanding that cannot be estimated in terms of material values.

I want to express my appreciation to the members of the House Committee on Foreign Affairs for reporting this bill, as a result of which the bill is now before the House for consideration. I strongly urge the passage of the bill. I hope, with the passage of the bill in this body, the Senate will quickly consider and pass the same.

Mr. MORANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. MORANO. Mr. Speaker, I am very pleased that this bill and an identical bill, H. R. 10767, were introduced by our distinguished majority leader, the Honorable JOHN W. MCCORMACK, JR., and the distinguished minority leader, the Honorable JOSEPH W. MARTIN, respectively. I know it is typical of both sides of the aisle to join together when it comes to foreign policy considerations. I fully support this bill which will compensate the Vatican City for the damage sustained to the papal domain Castel Gandolfo during World War II from bombs dropped by United States planes during attacks upon targets close to Castel Gandolfo.

I feel that this gesture on the part of the United States Government is one which is really typical of our American way of life. Fundamentally, we judge matters on the basis of what is morally right and morally wrong. It is morally right that the United States compensate the Vatican for this damage. Although it is a small amount of money involved in this bill, it means a great deal to Castel Gandolfo which people from all over the world and from all walks of life have taken such great pleasure and spiritual joy in visiting.

I feel that the sum agreed upon by the committee of $964,199.35 is a fair compromise. It represents the assessment of the damage made by the United States Army Claims Service based upon the prevailing conditions as of April 1945.

I hope that this bill will receive the unanimous endorsement that it justly merits.

Mr. GORDON. Mr. Speaker, I move the previous question.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE TO EXTEND

Mr. GORDON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

## DANGEROUS EROSION OF STATE SOVEREIGNTY BY DECISIONS OF SUPREME COURT

The SPEAKER. Under previous order of the House, the gentleman from Texas [Mr. IKARD] is recognized for 30 minutes.

Mr. IKARD. Mr. Speaker, the past 15 years have witnessed dangerous erosion of State sovereignty by decisions of the Supreme Court. This has been accomplished by reading into acts of Congress an unexpressed intention to supersede State law. In so doing the Court has turned its back on the salutary principles announced by Chief Justice Marshall and followed for more than a century. In *Cohens* v. *Virginia* ((1821) 6 Wheat. 264, 443), Marshall enunciated the tests to be applied in determining whether Congress has so exercised its powers as to control and limit State laws for the punishment of crime.

To interfere with the penal laws of a State—

He wrote—

where they are not leveled against the legitimate powers of the Union, but have for their sole object the internal government of the country, is a very serious measure, which Congress cannot be supposed to adopt lightly or inconsiderately. The motives for it must be serious and weighty. It would be undertaken deliberately and the intention would be clearly and unequivocally expressed. An act * * * ought not to be construed as to imply this intention, unless its provisions were such as to render the construction inevitable.

For sixscore years, the Supreme Court faithfully adhered to this doctrine. In 1937, Chief Justice Hughes declared on behalf of a unanimous Court in *Kelley* v. *Washington* ((1937) 302 U. S. 1, 10) that—

The principle is thoroughly established that the exercise by the State of its police power, which would be valid if not superseded by Federal action, is superseded only where the repugnance is so direct and positive that the two acts cannot be reconciled or consistently stand together.

But in 1941, the Supreme Court cavalierly thrust these precedents aside. By a 6 to 3 decision it struck down the Pennsylvania Alien Registration Act in *Hines* v. *Davidowitz* ((1941) 312 U. S. 52, 67). In attempting to justify this decision, Mr. Justice Black disposed of prior cases to his own satisfaction by saying:

> There is not—and from the very nature of the problem there cannot be—any rigid formula or rule which can be used as a universal pattern to determine the meaning and purpose of every act of Congress. This Court, in considering the validity of State laws in the light of treaties or Federal laws touching the same subject, has made use of the following expressions: conflicting; contrary to; occupying the field; repugnance; difference; irreconcilability; inconsistency; violation; curtailment; and interference. But none of these expressions provide an infallible constitutional test or an exclusive constitutional yardstick. In the final analysis, there can be no one crystal clear distinctly marked formula. Our primary function is to determine whether, under the circumstances of this particular case, Pennsylvania's law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.

Mr. Justice Stone vigorously dissented in an opinion in which two other Justices joined. He pointed out that the existence of national power to conduct foreign relations and negotiate treaties does not foreclose legislation dealing exclusively with aliens as such. This Court has consistently held that treaties of the United States for the protection of resident aliens do not supersede such legislation unless they conflict with it. He went on to say:

> As construed and applied by the opinion of the Court the Federal act denies to the States the practicable means of identifying their alien residents and of recording their whereabouts and it withholds from the States the benefit of the information secured under the Federal act except insofar as it may be made available to them on application to the Attorney General.
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> * * * * *
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> Every act of Congress occupies some field, but we must know the boundaries of that field before we can say that it has precluded a State from the exercise of any power reserved to it by the Constitution. To discover the boundaries we look to the Federal statute itself, read in the light of its constitutional setting and its legislative history.
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> * * * * *
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> But no words of the statute, or of any committee report, or any congressional debate indicate that Congress intended to withdraw from the States any part of their constitutional power over aliens within their borders. We must take it that Congress was not unaware that some 19 States have statutes or ordinances requiring some form of registration for aliens, 7 of them dating from the last war. The repeal of this legislation is not to be inferred from the silence of Congress in enacting a law which at no point conflicts with the State legislation and is harmonious with it.

Within a year this decision was followed by another which paralyzed State power in a field equally vital to the welfare of its citizens—the enforcement of sanitary standards in the manufacture of food products. By a bare majority, the Court held in *Cloverleaf Butter Company* v. *Patterson* ((1942) 315 U. S. 148), that Alabama could not seize spoiled packing stock butter held by a manufacturer for the production of renovated butter. The reason assigned for this startling conclusion was that it conflicted with a Federal law which authorized the Secretary of Agriculture to inspect renovated butter sold in interstate commerce. To be sure, Congress had not expressed any intention to supersede State law. Enforcement of Alabama's statute would not have interfered in any way with Federal inspection. Nevertheless, by some mysterious course of reasoning the majority came to the conclusion that Congress hardly intended the intrusion of State authority during the very preparation of a commodity subject to the surveillance and comprehensive specifications of the Department of Agriculture. Once more Justice—now Chief Justice—Stone dissented, together with three of his colleagues. He pointed out that the decision was, in his words, "a radical departure from the salutary principle that Congress, in enacting legislation within constitutional authority, will not be deemed to have intended to strike down a State statute designed to protect the health and safety of the public unless the State act, in terms or in its practical administration, conflicts with the act of Congress or plainly and palpably infringes its policy." Bluntly he insisted that "not only is there a complete want of conflict between the two statutes and their administration, but it seems plain that the Alabama statute both by its terms and in its practical administration aids and supplements the Federal regulation and policy. Consequently, there is no room for any inference that Congress by its enactment, sought to stay the hands of the State in the exercise of a power with which the Federal act does not conflict."

Mr. Justice Frankfurter said of the decision that "if ever there was an intrusion by this Court into a field that belongs to Congress, and which it has seen fit not to enter, this is it."

But Chief Justice Stone was fighting a losing battle. In the decade since his death the Court has pursued ever more relentlessly the course of reducing the States to insignificance. This has been particularly true in the field of labor legislation. The first step in this direction was taken in 1945, while Stone was still on the bench. In *Hill* v. *Florida* ((1945) 325 U. S. 538), the Court, in a sweeping decision denied the authority of Florida to require a business agent of a labor union to be a citizen of the United States for more than 10 years, to be a person of good moral character, who has not been convicted of a felony; to require such business agents to be licensed with the payment of an annual fee of $1, and to require labor unions to file a written report with the Secretary of State disclosing its name, the location of its offices and the names and addresses of its officers. In vain, Mr. Justice Frankfurter protested that—

> The rights Congress created, the obligations it defined, the machinery it devised for enforcing these rights and securing obedience to these obligations, all were exclusively concerned with putting the strength of the Government against this (forbidden) conduct by employers * * *. There is not a breath in the act referring to any aspect of union activity unrelated to employer interference therewith. By refusing to legislate beyond that, Congress did not forbid the States from so legislating."

Next the Court ruled that the New York State Labor Relations Board had no jurisdiction to certify a union as collective bargaining representatives of foremen—*Bethlehem Steel Co.* v. *New York State Labor Relations Board* (1947) 330 U. S. 767).

It underscored its complete departure from the principles followed from the time of Chief Justice Marshall to that of Chief Justice Hughes by saying that—

> Congress has not seen fit to lay down even the most general of guides to construction of the act, as it sometimes does, by saying that its regulation either shall or shall not exclude State action.

It has overthrown the certification of a union as a bargaining agent for employees of a local telephone company, on the ground of supposed conflict with the National Labor Relations Act, even though the National Labor Relations Board had not undertaken to determine the appropriate bargaining representative for the employees of that company—*La Crosse Telephone Corporation* v. *Wisconsin Employment Relations Board* ((1949) 336 U. S. 18). It struck down the strike vote provisions of Michigan's labor mediation law which was designed to avert strikes with the States by requiring approval of a strike by a majority vote of the employees before it could be called, *Automobile Workers* v. *O'Brien* ((1950) 339 U. S. 454). Although three members of the court noted that the national emergency provisions of the Taft-Hartley Act indicated that the principle of collective bargaining should to some extent be subordinated to the public interest, and found no indication in that act that the States were not equally free to protect the public when in State emergencies, the Court denied the authority of Wisconsin to protect its people against interruption of essential public utility services by banning strikes which would cause such interruptions—*Bus Employees* v. *Wisconsin Employment Relations Board* ((1951) 340 U. S. 383). And the Court has not been content to strike down State laws which by dubious inferences it has found in conflict with an imputed although unexpressed intention of Congress. It has denied the authority of State courts to afford a remedy for conduct which was forbidden by both State and Federal law. In *Garner* v. *Teamsters Union* ((1953) 346 U. S. 485) it held that a State court could not enjoin picketing intended to coerce an employer into compelling or influencing his employees to join a union in violation of both Federal and State statutes which forbade such coercion. One sentence in this opinion shows how far the Court has moved from the principle formerly applied—that State laws were superseded only in case of direct and positive conflict with Federal law:

> We must spell out—
>
> The Court said:
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> from conflicting indications of congressional will the area in which State action is still permissible.

Acting on the same tenuous inferences it reversed a State court decision enjoining picketing in a jurisdictional dispute between two unions which violated the State law against restraint of trade—*Weber* v. *Anheuser-Busch Inc.* ((1955) 348 U. S. 468).

Serious as these cases are in their denial of State power to deal with the particular problems involved, they pale into insignificance in comparison with the flagrant and indefensible denial of State power in the recent Nelson case—*Pennsylvania* v. *Nelson* ((1956) 350 U. S. 497). There the Court reversed the conviction of Steve Nelson, an acknowledged member of the Communist Party, for violation of the Pennsylvania sedition law.

Despite the fact that Congress had inserted a provision in the criminal code declaring that "Nothing in this title shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof," the Court said that the Federal statutes touched a field in which the Federal interest is so dominant that the Federal system must be assured to preclude enforcement of State laws on the same subject. Despite the fact that 42 States have sedition laws, and that the sponsor of the measure declared at the time of its adoption that it would not affect State laws, the majority of the court held that "the scheme of Federal regulation" is "so pervasive as to make reasonable the inference that Congress left no room for the States to supplement it." Disregarding the fact that the Attorney General of the United States had advised that the State laws did not impede enforcement of the Federal law and urged that they be upheld, the majority of the Supreme Court concluded that "enforcement of State sedition acts presents a serious danger of conflict with the administration of the Federal program."

There is not a word in the Smith Act which justifies the decision in the Nelson case. As Justice Reed pointed out in his dissenting opinion:

> In the responsibility of national and local governments to protect themselves against sedition there is no dominant interest. * * * Mere fear by courts of possible difficulties does not seem to us in these circumstances a valid reason for ousting a State from exercise of its police power. These are matters for legislative determination.

Obviously, decisions based on such nebulous grounds are not legal decisions; they are dictated by disapproval of the policy of the State laws in question. As a recent writer in the Michigan Law Review puts it:

> It is obvious from a reading of the opinions that a judge's determination on the issue of preemption is profoundly influenced by view as to the wisdom or constitutionality on other grounds of the State act in question. * * * Stern disapproval of the State laws, moreover, stands out all through the majority opinions in *Hines* v. *Davidowitz* and *Commonwealth* v. *Nelson*. Since judges, like many other informed persons, differ sharply on the question of how best to meet the problem of internal subversion, it may be confidently predicted that considerations of this kind will continue to influence the decisions of these cases. (Hunt, Federal Supremacy and State Antisubversive Legislation, 53 Michigan Law Review 404 (1955).)

These cases are having many serious consequences. The greatest evil is, of course, the breakdown of State authority and State responsibility over matters of direct and immediate concern to its own people. But in addition to the State laws which are nullified under this doctrine, the tenor of such decisions, and the fact that they rest so largely on subjective judgments rather than on objective legal standards, encourages resistance to every State law in any field even remotely affected by Federal law. Thus, even where State authority is eventually upheld, its enforcement may be stymied during years of expensive litigation.

Moreover, these decisions are multiplying the burdens of Federal courts and Federal prosecutors.

With Federal dockets already congested, and backlogs of undecided cases growing ever longer, it is folly to close the doors of State courts on matters of immediate local concern which they are peculiarly well fitted to handle.

The remedy lies in the hands of Congress. There is now pending in the House of Representatives a bill, H. R. 3, introduced by Representative HOWARD W. SMITH, of Virginia, which is designed to furnish that remedy. The bill states clearly that—

> No act of Congress shall be construed as indicating an interest on the part of Congress to occupy the field in which such act operates, to the exclusion of all State laws on the same subject matter, unless such act contains an express provision to that effect.

It further stipulates that—

> No act of Congress shall be construed as invalidating a provision of State law which would be valid in the absence of such act, unless there is a direct and positive conflict between an express provision of such act and such provision of the State law, so that the two cannot be reconciled or consistently stand together.

Thus, this bill would put an end to the practice of striking down State statutes because of supposed inconsistency with purposes read into Federal statutes by implication. No longer could the court justify its refusal to enforce State law by the claim that in so doing they were carrying out the will of Congress. In any case where a State law would be invalid even if Congress never legislated on the subject, this bill would not save it. It would affect only those cases where the States have power to legislate so long as they do not come in conflict with Federal law.

It would not give the States power to do anything they do not already have constitutional power to do. It would not allow them to defeat the expressed will of Congress in any matter on which Congress is competent to legislate. Under the supremacy clause, State laws would still be suspended to the extent that they conflict with express provisions of Federal law. It would simply prevent the frustration of State law by extravagant extension of Federal law on the basis of vague inferences as to the supposed intention of Congress. It would deprive the Supreme Court of the opportunity to kill State laws under the pretense that it is carrying out the policy of Congress.

If this doctrine of preemption is carried to its logical conclusion, the result can only be that the States will shortly be stripped of all of their authority, and the Federal Government would be made completely supreme in every field. It it not at all inconceivable that the States could be deprived of their authority to punish criminals, to levy taxes, and to act for the general welfare of their people.

Mr. Speaker, it is time for Congress to act in a way that will make it clear that we respect the historic position of our States in the Federal Union and to provide that no statute passed by Congress have the effect of repealing a State law unless there is a clear conflict between the two. History has shown us that there is little question but what the best and most effective form of government is that which is the closest to the people and that in many fields the States can act more effectively and efficiently than can the Federal Government. If the States are to be anything more than mere provinces completely subservient to Federal law, then it is necessary that we reaffirm in the States their constitutional rights.

Mr. Speaker, if the integrity of our whole constitutional form of government is to survive, the sovereignty of the States must be maintained.

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## COMMERCIAL APPLICATION OF ATOMIC ENERGY

The SPEAKER. Under previous order of the House, the gentleman from West Virginia [Mr. BAILEY] is recognized for 20 minutes.

Mr. BAILEY. Mr. Speaker, so many bills on the commercial application of atomic energy have been put into the hopper during the current session that I find it difficult to keep informed on even a small part of them. Some of these bills are without question necessary to the national welfare, but others would astonish Nostradamus. His rhymed prophesies were arousing great interest 4 centuries ago; if he were alive today some of the atomic-energy proposals going into the hopper—without rhyme or reason—would make him look like a person completely devoid of imagination.

There is no denying it, atomic energy opens the door to new hopes and promises that can fulfill many of mankind's dreams. In looking into its potential, however, we must exercise every care to avoid the extreme dangers that are also present in the field of fissionable materials. Mythology explains that when Pandora opened the forbidden box she let out all the evils that have since plagued man. Only Hope remained inside the box. There is ample hope within the atom, but we must handle it with caution and not become so greedy about enjoying its benefits as to risk its incipient dangers.

One pitfall which could quickly react to the decided disadvantage of this Nation if the hurry-up proposals were adopted without due regard to other considerations is the economic peril which lies directly ahead. The United

States is in no financial position to underwrite an unnecessary multibillion dollar undertaking at this time. Despite the preelection promises of the so-called economy administration, the national debt has risen in the past 3 years. So long as the cold war continues, we need not look for any sharp reduction in this deficit; it is therefore incumbent upon all Members of Congress to attempt to effect savings wherever possible outside the defense budget.

I do not object to the Federal Government's vast expenditures for an atomic defense program. It is necessary to assure our own survival. We must continue to invest whatever sums are necessary in weapons of destruction so long as the Soviet menace threatens. By retaining superiority in this field, we may be able to avert further aggression on the part of the Communist horde.

The proposal to make Federal funds available for the rapid development of electrical energy through fissionable material is completely unrealistic at this time. Some protagonists of the all-out atomic energy program apparently desire to have the Government go into the electric utilities business on a large scale through this device. Others are willing to promise Federal funds as a stimulant to private development of the reactor program. Before committing the Federal Treasury to further outlays in this regard, a little commonsense must be injected into the affair. Representatives from coal States have for some time been aware of the fact that somebody along the line is trying to promote an industry that could put coal miners out of jobs if enough Federal funds were poured into the project. It is time that our colleagues from other areas take a look at what is going on so that they will be able to recognize the danger that can confront their people, too.

One of the bills that has come up for grabs recently is the measure to provide Government-financed disaster insurance for areas in which reactors would be installed. I strongly resent bureaucratic entry into this field of private enterprise. If the atomic power plants are too dangerous for private insurance companies to underwrite the risks, then such plants should not be established until the hazards can be reduced—through research conducted at experimental stations. There is no reason to speed the establishment of an atomic electrical industry. There is enough bituminous coal in this country to last for a thousand years. If certain isolated areas in this country are so in need of a less expensive power than is now available, I would prefer to subsidize transportation of coal so that steam plants would generate electricity at predetermined costs rather than to embark on this spending spree into the uncharted spaces of atom land. It would certainly be less expensive to the taxpayer. As for those portions of the populace which presumably would benefit by bringing reactors into their areas, I question whether they would welcome such a plan if all of the involved factors were made known in advance. For instance, if a resident of your community realizes that the rates of insuring against disaster potential in a reactor are so high as to make Government contribution necessary, it is highly improbable that he would be willing to subject his family to such conditions. Tell him what some of the leading scientists have to say about the dangers to the mind, as well as to the body, that are inherent in atomic radiation. Tell him how contaminated objects must be disposed of. Read to him the recent statement of the scientist who told the Royal Society of Health in England that, if widespread disaster is to be avoided, then the atomic waste produced at a plutonium plant in that country must not be dumped into the sea for 600 years.

On May 22 the United Press reported that a building in Cincinnati contaminated by radioactivity in 1951 is still not safe for human use. Contaminated machinery was crated in lead and shipped to Oak Ridge for atomic burial. Do the people who are earmarked to welcome reactors into their communities understand the attendant dangers? Under the circumstances it is reasonable to assume that beneficiaries would prefer to pay the going rate for power generated by conventional fuels rather than to subject themselves, their families, their friends, and future descendants to the indescribable horror that might follow an accident in an atomic electric power plant.

Keep in mind also, if you will, the fact that very little saving will be effected in the price of electric power regardless of how much progress is made in the development of reactor plants. Fuel accounts for only about one-sixth of the cost of getting electricity into your home, so savings are going to be very small regardless of the advances that may be made in the power plant in the years ahead.

Mr. Speaker, I think that it is about time we put a clamp on the perpetrators of this sideshow. Let us get the facts to the people on the atom as a fuel for generating electricity. When this is done, then maybe we can get down to the rational business at hand on Capitol Hill.

Under special permission to extend my remarks, I submit for the RECORD the following statement by Mr. Tom Pickett, executive vice president of the National Coal Association, to the Joint Committee on Atomic Energy on May 18, 1956. This statement is particularly pertinent in that it sets forth some reasonable limitations which should be adopted if the Government insists on providing indemnification against the disasters that might result from a large-scale reactor program.

STATEMENT OF TOM PICKETT, EXECUTIVE VICE PRESIDENT, NATIONAL COAL ASSOCIATION, TO THE JOINT COMMITTEE ON ATOMIC ENERGY, MAY 18, 1956

Mr. Chairman, my name is Tom Pickett. I am executive vice president of the National Coal Association with offices in the Southern Building, 15th and H Streets NW., Washington, D. C. The National Coal Association is the trade organization of the bituminous coal mine owners and operators, whose total production is two-thirds of all the commercial bituminous coal produced in the United States.

When at an appearance before this committee in February of this year, I set forth at some length the position of the bituminous coal industry with respect to the development of atomic energy. Since the purpose of the present hearing is to determine what legislation is necessary to cope with the possibility of atomic disasters in the power program, I will not repeat the details of the coal industry's position which have previously been submitted. However, in general, the coal industry recognizes the need for Government support of the national laboratories to conduct the basic and applied research in atomic energy; recognizes the need for continuation of the Government's power demonstration program up to certain limits; recognizes that public interest requires atomic energy be utilized principally in ways or processes that contribute efficiently to the energy requirements of this Nation and the world; and recognizes that, in so doing, the national laboratory effort be directed toward minimizing fuel processing costs, increasing the safety factors against the public hazard and developing high temperature materials of construction.

Let me remind you at this point that the United States is one of the few nations of the world blessed with sufficient reserves of fossil fuels to meet the Nation's power requirements at low cost for centuries to come. In the United States the most economic source of steam generated electric power in the foreseeable future will be plants fueled by coal, oil, or natural gas. The coal industry stands ready to meet the Nation's power needs for many centuries to come, without subsidy in any form and without endangering the safety of our citizens.

We are concerned, as we believe all citizens should be, with the problem immediately under consideration, and we hope that our views will be of some assistance to this committee in determining upon a proper course of action.

Within certain limits, we believe the Government should undertake to indemnify, to the extent that money can compensate for the injuries and loss of life which may arise, against injuries and damages which may occur in the operation of nuclear power reactors.

From the information available at this time, it seems apparent that the extensive development of nuclear power cannot go forward unless the Government either (1) agrees to indemnify the operators of such plants against liability arising from disasters, or (2) undertakes the ownership, construction, and operation of all nuclear plants. It appears that insurance against atomic disasters will be available in amounts limited to $50 million or $60 million per disaster, whereas the possible liabilities range from hundreds of millions of dollars to billions of dollars.

It would seem that it matters little to the people who may be affected by an atomic disaster whether the nuclear power program proceeds under private enterprise with Government indemnity or under outright Government ownership. In either event, the burden of risk must fall upon Federal Government because no other possible adequate source of indemnity is available. The development of atomic energy should be kept within the principles of our free enterprise system insofar as it is possible to do so. Keeping the nuclear power program within the principles of the free enterprise system to the greatest extent possible will result in a lower financial burden on the Federal Government. For these reasons, the bituminous coal industry feels that the Federal Government should provide indemnity against liabilities arising out of atomic disasters within certain limits to be prescribed by law.

The limitations upon the Government indemnity should include a requirement that the owner or operator of a nuclear facility should be required to purchase insurance to the greatest extent available, and Government indemnity should be available only in-

sofar as the actual liabilities exceed the insurance purchased.

Government indemnity should be available only for one of each basic type of the reactors which constitute a part of the present atomic energy development program. The legislation enacted should not authorize Government indemnity for plants which may be subsidized under a simple expansion of the present experimental program. If such an expansion of the experimental program becomes necessary, the Congress should reserve to itself an opportunity to reconsider the disaster indemnity question by requiring new legislation at that time. This opportunity to reconsider will be available if the legislation now under consideration is limited as herein set forth. In the present state of uncertainty it would by unwise to commit the Government to such an unusual program for an extended period of time.

We want to emphasize here two points. First, Government indemnity against disaster, and all other subsidies of atomic development, should be available only for plants which will produce new information, information which will supplement existing knowledge and contribute to the advancement of the nuclear power art. The Government should not subsidize in any way projects which appear to duplicate each other.

Second, Government indemnity against atomic disasters, and all other subsidies of atomic development, should not be available to nuclear power plants which may be constructed after atomic energy is considered to have passed the experimental stage and reached the competitive stage. If and when the development of the atomic energy art reaches the point where it can contribute to the energy requirements of this Nation on a competitive basis, then all Government subsidies should cease.

We think that Congress should require that experimental and developmental nuclear plants constructed with the aid of Government indemnity against disaster liabilities, or with the aid of other Government subsidies, be constructed in isolated areas remote from large centers of population. It is probably true that the over-all operational costs of such plants would be somewhat greater because the power produced would have to be transmitted longer distances. However, it has been stated by many authorities that nuclear power can be expected to be competitive first in remote areas where conventional fuels are not readily available. Therefore, requiring a reasonable degree of isolation from large concentrations of prospective disaster victims would give actual operational experience in those areas where these plants are expected to have their earliest break-even point, as well as minimize the hazard to the public.

The overall operational costs of isolated plants may be somewhat greater if the power produced has to be transmitted longer distances to reach the point of consumption in large metropolitan centers. However, these plants cannot be justified on the basis of economics, because everyone expects that the power which they produce will cost more than power from conventional fuels. The only justification for the construction of these plants is found, not on the basis of economics, but on the basis of research. Since they are research projects, the requirement of isolation would in effect be a protection to the public in the research and development program. The fact that this protection might cost an additional sum of money should not deprive the public of this protection, inasmuch as it in no way detracts from the progress which might be attained in the atomic energy art.

We doubt very seriously that the Government has any moral right to subject its citizens to all the risks attendent upon an atomic disaster, especially where those risks can be minimized by the payment of a reasonable price for additional protection. If and when the atomic energy art advances to the point where there can be some reasonable estimate of the public risk involved, then a decision can be made as to whether or not such plants are justified in close proximity to large centers of population. As stated in the Columbia University report on Financial Protection Against Atomic Hazards, published in March 1956, "Should atomic accidents happen at such frequency that they become a real threat to the economy, we can then reexamine the question of full protection. Indeed, we can then reexamine whether the rapid development of peaceful atomic energy is worth the cost."

Under date of February 11, 1956, there appeared in the publication Human Events an article entitled "Nuclear Nonsense," which was written by David Shea Teeple, a former assistant to AEC Chairman Lewis L. Strauss. We believe Mr. Teeple's views on the propriety of isolation of experimental plants warrant repetition here. He said:

"Generally, when we change techniques of manufacturing, it is because we achieve a better or a cheaper product. Are either of these yardsticks applicable to the development of atomic power? The product is going to be the same—the hazards are going to be increased, and the cost is going to remain constant or, if anything, increase.

"Why, then, the hysterical rush to develop this program? What is wrong with pursuing the problem in an orderly, scientific fashion, in isolated sites already established for that purpose?

"Some of us have spent many an hour inside reactor buildings and know that every conceivable safety device is employed. The possibility of disaster is remote but nevertheless ever present. The old saying still applies to the effect that nothing can be made so foolproof that a big enough fool can't disrupt it."

Industry normally includes in the competitive cost of production the expense of the risk involved in the particular type of enterprise. The public liability risk is relatively small in most industries. However, where the risk is great the premium for liability insurance is substantial. For example, the explosives industry pays a high premium for insurance against public liability in its manufacturing, handling, and transportation.

It is obvious that no actuarially sound rate can be established for atomic-disaster insurance over and above the limited amount available from private enterprise until such unfortunate time when experience will have provided an indication of the total cost of such disasters. In addition, the reactors being planned under the present program could not bear the cost of such insurance even if it could be determined on a precise basis, because they are expected to be noncompetitive even without the insurance cost. Under these circumstances it seems reasonable for the Government to assume, for the limited number and type of experimental reactors already discussed, the additional subsidy of the undetermined cost of the indemnity under discussion.

Notwithstanding these considerations, we should not entirely lose sight of the healthy principle already endorsed by the AEC that "financial assistance to private power reactors should be in a form which can clearly be identified and measured." Unless the amount of Government subsidies involved in the production of atomic power is measured and made public, the public will never be in a position to evaluate the economic desirability of a Government-financed atomic power development program. The legislation now under consideration should provide machinery to establish, with the most accuracy possible under the circumstances, the reasonable cost of the free indemnity being furnished by the Government. This legislation should also direct that all official calculations of comparable costs of electric generation include such reasonable cost of the indemnity subsidy for atomic powerplants.

We feel there are a large number of vital problems with respect to which the Government should secure the greatest possible amount of information before enacting legislation dealing with the atomic disaster situation. Before such legislation is enacted, it should first be determined whether the Government will merely indemnify the nuclear reactor operator against his liabilities to the public arising out of an atomic disaster. As an alternative, will the Government attempt to afford financial compensation to the public for all of the actual damages which may result from such a disaster, including those injuries for which recovery cannot be had under existing law because they cannot be proved to be the direct result of the particular disaster in question, or for other reasons with which existing law is unable to cope. We agree with the Columbia University report, previously referred to, which states that "in discussions of the problem to date, the vulnerable position of the public has not been sufficiently articulated." Whatever legislation is enacted should attempt to define the injuries and the damages for which compensation will be paid by the Federal Government. Existing law and legal concepts may be sufficient to determine the damages arising as a direct and immediate result of any blast which might occur in an atomic reactor. However, new concepts, based upon yet-to-be-developed information and techniques, will be required to determine the extent of actual injuries arising out of the escape of radioactive poisons in an atomic disaster.

Under date of April 16, 1956, the chairman of this committee delivered an address before the northeastern regional meeting of the American Bar Association. In that address he listed in detail a number of the perplexing problems which should be considered by the Congress in connection with this matter, if proper consideration is to be given to the public interest. We commend that speech to the attention of this committee, and point out that the questions therein raised are not mere legal braintwisters, they are questions which must be solved if the public is to be relieved of any substantial part of the financial burden of atomic power disaster. For example, if the Government decides to grant only indemnity against liability under existing law, how can the victims of an atomic disaster prove negligence in the operation of a reactor? How can damage from radiation be proved, in the face of the statute of limitations? Will the cost of evacuation and decontamination of a contaminated area be recoverable? If radiation causes damage to the genes in a parent, to whom does the right of action belong, the parent or the deformed child?

We do not have the answers to these questions and the many equally difficult questions which can be raised in connection with legislation to reimburse the public for injuries and damages caused by nuclear reactors. They should be answered in a manner which will furnish adequate financial protection to the general public before the Government proceeds with the construction or subsidization of atomic power reactors near large centers of population.

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## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. BEAMER, for 30 minutes, on Tuesday, June 12.

Mr. THOMPSON of Louisiana (at the request of Mr. MCCORMACK), for 60 minutes, on Wednesday next.

## EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. SMITH of Wisconsin and to include extraneous matter.

Mr. MACHROWICZ and include extraneous matter.

Mr. ROGERS of Texas.

Mr. METCALF in two instances and to include extraneous matter.

Mr. BONNER and to include an editorial and extraneous matter.

Mrs. FRANCES P. BOLTON (at the request of Mr. HIESTAND) and to include extraneous matter.

Mr. VURSELL and to include extraneous matter.

Mr. VAN ZANDT and to include extraneous matter.

Mr. BOGGS and to include extraneous matter, notwithstanding the fact it exceeds the limit and is estimated by the Public Printer to cost $880.

Mr. POLK (at the request of Mr. ALBERT).

Mr. WATTS and to include a speech by the gentleman from Kentucky [Mr. CHELF].

## SENATE BILL REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1873. An act to increase the minimum postal savings deposit, and for other purposes; to the Committee on Post Office and Civil Service.

## ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 3255. An act to amend the Classification Act of 1949 to preserve in certain cases the rates of basic compensation of officers and employees whose positions are placed in lower grades by virtue of reclassification actions under such act, and for other purposes;

H. R. 8225. An act to authorize the addition of certain lands to the Pipestone National Monument in the State of Minnesota; and

H. R. 9822. An act to provide for the establishment of a trout hatchery on the Davidson River in the Pisgah National Forest in North Carolina.

## SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3515. An act to amend the National Housing Act, as amended, to assist in the provisions of housing for essential civilian employees of the Armed Forces.

## BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On June 1, 1956:

H. R. 11177. An act making appropriations for the Department of Agriculture and Farm Credit Administration for the fiscal year ending June 30, 1957, and for other purposes.

On June 4, 1956:

H. R. 1671 An act for the relief of Clement E. Sprouse;

H. R. 1913. An act for the relief of Mrs. Anna Elizabeth Doherty;

H. R. 2216. An act to amend the Act of June 19, 1948 (ch. 511, 62 Stat. 489), relating to the retention in the service of disabled commissioned officers and warrant officers of the Army and Air Force;

H. R. 3996. An act to further amend the Military Personnel Claims Act of 1945;

H. R. 4229. An act to provide running mates for certain staff corps officers in the naval service, and for other purposes;

H. R. 4437. An act relating to withholding for State employee retirement systems purposes, on the compensation of certain civilian employees of the National Guard and the Air National Guard;

H. R. 4569. An act to provide for renewal of and adjustment of compensation under contracts for carrying mail on water routes;

H. R. 4704. An act to provide for the examination preliminary to promotion of officers of the naval service;

H. R. 5268. An act to amend section 303 of the Career Compensation Act of 1949 to authorize the payment of mileage allowances for overland travel by private conveyance outside the continental limits of the United States;

H. R. 6268. An act to facilitate the construction of drainage works and other minor items on Federal reclamation and like projects;

H. R. 7679. An act to provide for the conveyance of certain lands by the United States to the city of Muskogee, Okla.;

H. R. 8477. To amend title II of the Women's Armed Services Integration Act of 1948, by providing flexibility in the distribution of women officers in the grades of commander and lieutenant commander, and for other purposes;

H. R. 8490. An act authorizing the Administrator of General Services to convey certain property of the United States to the city of Bonham, Tex.;

H. R. 8674. An act to provide for the return of certain property to the city of Biloxi, Miss.;

H. R. 9358. An act to require the Administrator of Veterans' Affairs to issue a deed to the city of Cheyenne, Wyo., for certain land heretofore conveyed to such city, removing the conditions and reservations made a part of such prior conveyance; and

H. R. 10251. An act to authorize the Administrator of Veterans' Affairs to deed certain land to the city of Grand Junction, Colo.

## ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 58 minutes p. m.) the House adjourned until tomorrow, Wednesday, June 6, 1956, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1922. A letter from the Secretary of the Army, transmitting a report of the number of officers on duty with the Department of the Army and the Army General Staff as of March 31, 1956, pursuant to section 201 (c) of Public Law 581, 81st Congress; to the Committee on Armed Services.

1923. A letter from the Attorney General, transmitting the report of the Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas Within the States; to the Committee on Government Operations.

1924. A letter from the Assistant Attorney General, transmitting a printed copy of the report of the Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas Within the States; to the Committee on Government Operations.

1925. A letter from the Comptroller General of the United States, transmitting a report on the audit of the United States Section, International Boundary and Water Commission, United States and Mexico, Department of State, for the fiscal years ended June 30, 1954 and 1955, pursuant to the Budget and Accounting Act, 1921 (31 U. S. C. 53), and the Accounting and Auditing Act of 1950 (31 U. S. C. 67); to the Committee on Government Operations.

1926. A letter from the Comptroller General of the United States, transmitting a report on review of compensation and pension program, Washington offices, Veterans' Administration, July 1954, pursuant to the Budget and Accounting Act, 1921 (31 U. S. C. 53), and the Accounting and Auditing Act of 1950 (31 U. S. C. 67); to the Committee on Government Operations.

1927. A letter from the Assistant Secretary of the Interior, transmitting for informational purposes, a contract which has been negotiated with National Park Concessions, Inc., for the temporary operation of the McKinley Park Hotel, Mount McKinley National Park, Alaska, covering the period May 14, 1956, to September 30, 1956; to the Committee on Interior and Insular Affairs.

1928. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a draft of proposed legislation entitled "A bill to provide a uniform premium pay system for Federal employees engaged in inspectional services, to authorize a uniform system of fees and charges for such services, and for other purposes"; to the Committee on Post Office and Civil Service.

1929. A letter from the Commissioner, Immigration and Naturalization Service, United States Department of Justice, transmitting additional information relating to the case of Andrew Foh Chung Jean, A–7841161, involving the provisions of section 6 of the Refugee Relief Act of 1953, and requesting that it be withdrawn from those pending before the Congress and returned to the jurisdiction of this Service; to the Committee on the Judiciary.

1930. A letter from the Commissioner, Immigration and Naturalization Service, United States Department of Justice, transmitting additional information relating to the case of Purita M. Johnson, A–6072679, involving suspension of deportation, and requesting that it be withdrawn from those pending before the Congress and returned to the jurisdiction of this Service; to the Committee on the Judiciary.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Wisconsin: Committee on Foreign Affairs. Part 2, minority views on H. R. 11356. A bill to amend further the Mutual Security Act of 1954, as amended, and for other purposes; (Rept. No. 2213).

Referred to the Committee of the Whole House on the State of the Union.

Mr. COOLEY: Committee on Agriculture. H. R. 8657. A bill to amend the act of June 22, 1948 (62 Stat. 568), and for other purposes; without amendment (Rept. No. 2261). Referred to the Committee of the Whole House on the State of the Union.

Mr. ENGLE: Committee on Interior and Insular Affairs. H. R. 10504. A bill to allow a homesteader settling on unsurveyed public land in Alaska to make single final proof prior to survey of the lands; without amendment (Rept. No. 2262). Referred to the Committee of the Whole House on the State of the Union.

Mr. ENGLE: Committee on Interior and Insular Affairs. H. R. 10946. A bill to provide for the disposition of surplus personal property to the Territorial government of Alaska until December 31, 1958; with amendment (Rept. No. 2263). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABERNETHY:

H. R. 11592. A bill to establish rules of interpretation governing questions of the effects of acts of Congress on State laws; to the Committee on the Judiciary.

By Mr. ABERNETHY (by request):

H. R. 11593. A bill to revise the act for the retirement of public school teachers in the District of Columbia; to the Committee on the District of Columbia.

By Mr. ALLEN of California:

H. R. 11594. A bill to amend the District of Columbia Alcoholic Beverage Control Act; to the Committee on the District of Columbia.

By Mr. BARRETT:

H. R. 11595. A bill to amend the Refugee Relief Act of 1953, as amended, to provide for the allocation of unused visas; to admit certain aliens afflicted with tuberculosis; and to provide relief to certain aliens under that act, and for other purposes; to the Committee on the Judiciary.

By Mr. BARTLETT:

H. R. 11596. A bill to amend section 26, title I, chapter 1, of the act entitled "An act making further provision for a civil government for Alaska, and for other purposes," approved June 6, 1900 (48 U. S. C., sec. 381); to the Committee on Interior and Insular Affairs.

By Mr. COON:

H. R. 11597. A bill for the sale at fair market value of the McNary Dam townsite to the port of Umatilla, Oreg., and for other purposes; to the Committee on Government Operations.

By Mr. DINGELL:

H. R. 11598. A bill to provide certain increases in annuity for retired employees under the Civil Service Retirement Act of May 29, 1930, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HORAN:

H. R. 11599. A bill to provide that the Secretary of the Army shall purchase certain oil paintings of the Nez Perce Indian leaders for display at the site of the Chief Joseph Dam in the State of Washington; to the Committee on Public Works.

By Mr. HUDDLESTON:

H. R. 11600. A bill to limit and regulate the appellate jurisdiction of the Supreme Court of the United States; to the Committee on the Judiciary.

By Mr. HYDE (by request):

H. R. 11601. A bill to provide for examination, licensing, registration and regulation of dispensing opticians and optical technicians in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. McVEY:

H. R. 11602. A bill to amend the act entitled "An act to authorize the coinage of 50-cent pieces to commemorate the life and perpetuate the ideals and teachings of Booker T. Washington" to authorize the coinage of 50-cent pieces in connection with the celebration of the centennial anniversary of the birth of Booker T. Washington; to the Committee on Banking and Currency.

By Mr. O'BRIEN of New York (by request):

H. R. 11603. A bill to amend certain financial provisions of the Organic Act of the Virgin Islands; to the Committee on Interior and Insular Affairs.

By Mrs. PFOST:

H. R. 11604. A bill to provide for the maintenance of production of tungsten, asbestos, fluorspar, and columbium-tantalum in the United States, its Territories, and possessions, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. POWELL:

H. R. 11605. A bill to amend the Organic Act of the Virgin Islands; to the Committee on Interior and Insular Affairs.

H. R. 11606. A bill to amend the Organic Act of the Virgin Islands; to the Committee on Interior and Insular Affairs.

H. R. 11607. A bill to amend the Organic Act of the Virgin Islands; to the Committee on Interior and Insular Affairs.

By Mr. REUSS:

H. R. 11608. A bill to amend the act entitled "An act to authorize the coinage of 50-cent pieces to commemorate the life and perpetuate the ideals and teachings of Booker T. Washington" to authorize the coinage of 50-cent pieces in connection with the celebration of the centennial anniversary of the birth of Booker T. Washington; to the Committee on Banking and Currency.

By Mr. TOLLEFSON:

H. R. 11609. A bill to provide that the Secretary of the Army shall purchase certain oil paintings of Nez Perce Indian leaders for display at the site of the Chief Joseph Dam in the State of Washington; to the Committee on Public Works.

By Mr. TRIMBLE:

H. R. 11610. A bill to promote and to establish policy and procedure for the development of water resources of lakes, rivers, and streams; to the Committee on Public Works.

H. R. 11611. A bill to provide for the establishment of the Pea Ridge National Military Park, in the State of Arkansas; to the Committee on Interior and Insular Affairs.

By Mr. VINSON:

H. R. 11612. A bill to authorize the Secretary of the Navy to dispose of certain vessels, and for other purposes; to the Committee on Armed Services.

H. R. 11613. A bill to authorize the loan of naval vessels to the governments of the Federal Republic of Germany, Greece, Portugal, Spain, and friendly Far Eastern nations, and for other purposes; to the Committee on Armed Services.

H. R. 11614. A bill to extend the authority of the Administrator of Veterans' Affairs to appoint and employ retired officers without affecting their retired status; to the Committee on Armed Services.

By Mr. DINGELL:

H. J. Res. 633. Joint resolution to authorize the Secretary of Commerce to sell certain war-built tankers; to the Committee on Merchant Marine and Fisheries.

By Mr. FRELINGHUYSEN:

H. J. Res. 634. Joint resolution to establish a joint congressional commitee to investigate racketeering and related activities within certain labor unions; to the Committee on Rules.

By Mr. BOGGS:

H. J. Res. 635. Joint resolution providing for a study of the possibility and desirability of establishing a university of the Americas; to the Committee on Foreign Affairs.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By Mr. BENTLEY: Resolution of House of Representatives of the State of Michigan memorializing the Congress of the United States to implement the Tripartitie Declaration of the United States, Great Britain, and France guaranteeing the borders of Israel; to the Committee on Foreign Affairs.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 or rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COUDERT:

H. R. 11615. A bill for the relief of Bertha Gabriel Y. Martinez Gomez; to the Committee on the Judiciary.

By Mr. HALE:

H. R. 11616. A bill for the relief of Frederika Anna Elizabeth Leitl; to the Committee on the Judiciary.

By Mr. McCULLOCH:

H. R. 11617. A bill for the relief of Carmela Andreone Hoover; to the Committee on the Judiciary.

By Mr. SMITH of Virgina:

H. R. 11618. A bill for the relief of Mrs. Katherine E. Colbert and her minor children Larry C. Colbert and Barbara A. Colbert; to the Committee on the Judiciary.

By Mr. WALTER:

H. J, Res. 636. Joint resolution for the relief of certain aliens; to the Committee on the Judiciary.

H. J. Res. 637. Joint resolution to waive certain subsections of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens; to the Committee on the Judiciary.

H. J. Res. 638. Joint resolution to facilitate the admission into the United States of certain fiancees of United States citizens; to the Committee on the Judiciary.

H. J. Res. 639. Joint resolution for the relief of certain aliens; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1101. By Mr. ASHMORE: Petitions of Paul E. Smith and 912 other residents of Duncan, Lyman, Greer, Landrum, Greenville, Travelers Rest, Taylors, Tigerville, Pelzer, Belton, Simpsonville, Owings, Gray Court, Woodruff, Fountain Inn, Marietta, and Slater, S. C., urging enactment of legislation to prohibit the transportation of alcoholic beverage advertising in interstate commerce and its broadcasting over the air; to the Committee on Interstate and Foreign Commerce.

1102. By Mrs. CHURCH: Resolution of the General Federation of Women's Clubs in annual convention at Kansas City, Mo., recommending that clubs study carefully the details of the report of the second Hoover Commission and resolving that the General Federation of Women's Clubs support congressional action which would implement those provisions in the report which are in accord with duly established policies of the general federation; to the Committee on Government Operations.

1103. By Mr. HALE: Resolution of the Thomas W. Cole Post No. 19, the American Legion, Sanford, Maine, requesting consideration by the Committee on Veterans'

Affairs of the war veterans security bill, H. R. 7886, and favoring its prompt passage; to the Committee on Veterans' Affairs.

1104. By Mr. VORYS: Petition of 45 residents of Ohio, urging immediate enactment of a separate and liberal pension program for veterans of World War I and their widows and orphans; to the Committee on Veterans' Affairs.

# EXTENSIONS OF REMARKS

## Address by Hon. Marion B. Folsom, Secretary of Health, Education, and Welfare

EXTENSION OF REMARKS

OF

### HON. CHARLES E. POTTER

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

*Tuesday, June 5, 1956*

Mr. POTTER. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD an address delivered by Hon. Marion B. Folsom, Secretary of Health, Education, and Welfare, before the annual meeting of the President's Committee on Employment of the Physically Handicapped on May 17, 1956.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY MARION B. FOLSOM, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, BEFORE THE ANNUAL MEETING OF THE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE PHYSICALLY HANDICAPPED, DEPARTMENTAL AUDITORIUM, UNITED STATES DEPARTMENT OF LABOR, WASHINGTON, D. C., MAY 17, 1956

It is a privilege and personal pleasure to meet today with the President's Committee. I want you to know the important work you are doing is deeply appreciated by all of us in the Department of Health, Education, and Welfare.

The President's Committee and our Department are both working toward a common goal for the handicapped person—a useful, productive place in life. One of the essentials in this common cause is an active and forceful program of public education about the people who are handicapped and their rightful place in the world of work, because lack of public understanding and acceptance still presents great obstacles to vocational rehabilitation. Your Committee is carrying on an effective program to tell the American people the facts about our handicapped citizens, and for these efforts we are grateful.

Our mutual concern for handicapped people raises many questions about the broader problems of disability among our people—problems which should be the common concern of businessmen, organized labor, and your local, State, and Federal Governments.

This century has seen a tremendous breakthrough in medicine, just as in air flight, nuclear energy, and many other fields. Medical research and preventive medicine have opened great new frontiers. Dramatic advances in curative medicine and surgery, too, have made it possible for thousands of individuals to survive illnesses and injuries which would have been fatal a few decades ago.

For example, around the time of World War I, the death rate for young diabetics at age 20 was 400 per 1,000. In other words, about 3 out of 5 survived. Then came insulin. Experience in the last few years shows that 99 out of 100 live.

Nevertheless, the diabetic persons' problems of living today are still serious. When he applies for a job, he must say, "Yes, I am a diabetic." And the employer must ask himself, "Will I hire a diabetic?"

For these and many hundreds of thousands of other disabled persons, the progress of medicine has brought new problems of living. This very success in medical science contributes to the mounting number of handicapped people who have survived serious illness and injury only to find that there may be no place for them in our social, industrial, or business life.

Disability raises many problems far beyond the direct question of medical care—problems which are felt more keenly each day in our homes, offices, and factories. These problems are reflected in the work of your local, State, and national governments, and in the taxes you pay to support them. The so-called catastrophic illnesses and injuries mean more than a catastrophe of the body. They mean the financial collapse of thousands of hard-working, thrifty families every year. When income is halted while medical costs mount and living expenses continue, then another family faces destitution.

As a nation, we provide some measure of financial protection against this hazard through a variety of means—the voluntary and private charity groups, various forms of insurance, workmen's compensation, and others. Through the public assistance agencies, we try to see that no person in serious want is ignored and that basic financial needs are met. To the extent that money payments can help, we have taken many steps in the right direction.

However, we are now reaching a stage of greater maturity, I believe, in our approach to many social problems. In the administration of public-assistance programs, for example, we have enough experience to realize that cash payments, by themselves, are not a satisfactory solution for either the people who receive them or the taxpayers who provide them. Our efforts so far have been to alleviate the effects of personal misfortune—but we have only recently begun to move against the causes.

With this in mind, the President this year recommended that Congress enact legislation which would lend the support of the Federal Government to this concept of getting at the causes of public dependency. The administration has proposed an approach which will encourage research to produce more facts, along with a broadening of public welfare services to help people overcome their problems and advance to a place of self-support and dignity.

There is no better example of the constructive results of this approach than the experience of the vocational-rehabilitation program. In recent years, this program has given an increasing amount of its attention and resources to restoring and reestablishing disabled people who are dependent upon public assistance.

The State rehabilitation agencies are contending with an enormous problem, in relation to their resources, for disability ranks high among the causes of dependency. About 1 million people, including some 325,000 dependent children, must look to the public assistance agencies for support because the family breadwinners are disabled—some of them with permanent impairments, others with short-term conditions. Payments by the public welfare agencies to maintain these individuals have reached nearly a half billion dollars annually.

No one knows, of course, just how many of these disabled men and women could be rehabilitated. But as experience accumulates, it becomes increasingly evident that an all-out effort in rehabilitation could make a substantial reduction in the number of disabled people who must depend upon public support.

The financial gains for both the disabled men and women and the public would be substantial. In 1955, over 11,000 disabled people who had been on the public assistance rolls were rehabilitated and placed in employment. To leave them on the welfare rolls would have cost almost $10 million a year. To rehabilitate them cost less than $8 million. Estimates indicate that these persons will pay in Federal income taxes alone much more than the funds spent on their rehabilitation. Far more important than the economic advantages, however, are the human rewards for a life of independence and self-reliance.

The value of this program has been widely recognized, but this recognition has not always been followed by adequate support. One of the first legislative proposals made by the President was to expand and improve this program. Congress enacted a new Vocational Rehabilitation Act without dissent in either the House or Senate—a rare occurrence on such important legislation.

Under this broadened act, the program already has made progress toward its goal of bringing the Nation's rehabilitation resources abreast of the needs of the handicapped. The Office of Vocational Rehabilitation reported an increase in the number of disabled people restored last year and another increase is expected during the current year. Meanwhile, we have been building a foundation for much greater advances in the future.

To take full advantage of the new act, the Federal and State Governments and many voluntary groups have joined in a cooperative effort to bring more and better services to those who are disabled. Nearly 150 nongovernmental organizations have launched projects—some to expand the range and volume of their services, others to undertake research and other developmental work—to widen the horizons for the whole field of rehabilitation.

These voluntary groups include such fine organizations as the crippled children's societies, Goodwill Industries, and their nationwide system of affiliates, local units of the American Heart Association, and many others. In these projects now going forward with the support of the Federal and State rehabilitation agencies, the voluntary organizations are investing their own funds as well.

Several research projects are seeking answers to employment problems. In New York, a project is now under way to analyze hiring practices among a representative group of employers. Another investigation is aimed at learning the extent to which a rehabilitation team can improve the employment outlook for persons who are confined to their homes.

In Massachusetts, another study will try to find improved techniques for preemployment evaluation and work preparation of those who have chronic rheumatic disease. In California, the vocational rehabilitation agency has sponsored a project to develop ways of speeding the rehabilitation of injured employees under workmen's compensation.

In making grants for these special projects, our Office of Vocational Rehabilitation